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Letter dated 23 February 2015 from the Panel of Experts established pursuant to resolution 1973 (2011) addressed to the President of the Security Council

The Panel of Experts established pursuant to Security Council resolution 1973 (2011) has the honour to transmit herewith, in accordance with paragraph 13 (d) of Council resolution 2144 (2014), the final report on its work.

The report was provided to the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya on 4 February 2015 and was considered by the Committee on 20 February.

I would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Simon **Dilloway**
Coordinator
Panel of Experts established pursuant to
resolution 1973 (2011)

(*Signed*) Shamim **Akhtar**
Expert

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Please recycle

Final report of the Panel of Experts established pursuant to resolution 1973 (2011)

Summary

The final report of the Panel of Experts established pursuant to Security Council resolution 1973 (2011), and most recently extended by Security Council resolution 2144 (2014), presents an analysis of the implementation of the measures imposed by resolution 1970 (2011), including the arms embargo, the assets freeze and the travel ban, as well as the subsequent modifications contained in resolutions 1973 (2011), 2009 (2011), 2016 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2146 (2014) and 2174 (2014), for the period since its reappointment on 17 April 2014 until the date of the present report. The report also outlines the Panel's findings and presents 18 recommendations to the Security Council, the Security Council Committee established pursuant to resolution 1970 (2011) and Member States to improve the implementation of the relevant measures. The Panel also seeks to highlight instances of non-compliance based on substantiated data and information obtained.

The Panel's assessment is based on information received from Member States, relevant United Nations bodies, regional organizations and other interested parties during the period under review. The Panel also conducted assessment trips to Libya during the period, where it met key stakeholders, including the United Nations Support Mission in Libya (UNSMIL). During this time, the Panel visited 24 countries, travelling to Libya twice. Since 11 July 2014, the Panel has made repeated attempts to visit Libya again, but the evacuation of all United Nations staff on 13 and 14 July 2014, owing to the deterioration of the security situation, has made this impossible to date.

Security developments and related sanctions criteria

The Panel found that the widespread killings by Ansar al-Sharia or affiliates in Benghazi and Derna constituted a significant threat to peace, including and especially through the frequent use of improvised explosive devices.

The Panel found that participants in Operation Karama, conducted between May and August 2014, could not be considered to represent an "official army" any more than could their opponents. The operation provoked a contained escalation, but had no significant national security impact.

The Panel confirmed that, during the period of its current mandate, the actions of the Benghazi Revolutionaries Shura Council were at least partially driven by the desire to implement strict sharia rule in Benghazi. The Panel considers the Benghazi Revolutionaries Shura Council an important spoiler of Libyan stability because of its violent challenge of any State authority that is not in line with its religious ideology.

The Panel found that the launch of Operation Fajr set off a series of further escalating events. It effectively rendered any collaboration or even dialogue impossible in the short term.

The Panel established that Fajr operations, through both targeted actions and the indiscriminate use of force, had caused considerable material and institutional damage and civilian casualties. Moreover, several leading figures within Fajr have been involved in serious human rights abuses. The Panel also concludes that Zintan and Warshefana units active in Tripoli are responsible for some of the damage and civilian casualties between July and September 2014.

The counter-offensive by the Libyan army in late November further escalated the situation. The Panel found that the operation drew additional towns into the conflict and deliberately targeted some key civilian infrastructure, the military necessity of which the Panel calls into question. The Panel notes that the delayed response of the Government of Libya allowed for roughly two months of potential dialogue despite continuous Fajr operations.

On the separate issue of Libyan army/Karama operations after 15 October 2014 in several districts of Benghazi, the Panel continues to investigate the extensive damage caused by all parties involved, including allegations of indiscriminate attacks.

The Panel found that in the south some clashes were linked to the strategic interests of parties to the armed conflict along the coastline. The Panel continued to receive further reports confirming the presence of local and foreign extremist groups in Fezzan.

Political transition and related sanctions criteria

The Panel found that, early in 2014, Zintan militias increased their power and influence in Tripoli and used that military power to interfere with the political process, further escalating tensions and thereby stalling the transition. These acts followed a chain of previous events, since 2011, involving armed groups supporting the other side of the political divide. The Panel considers these attacks equally damaging to the transition.

Despite these many obstructions, the transition could still have been revived after the elections of the House of Representatives. However, the launch of Operation Fajr and subsequent boycott of the new parliament announced an acute escalation of the political conflict. The Panel cannot find a precedent in post-revolution Libya with a similar scale and impact. Therefore, it concludes that the Fajr leadership is ultimately responsible for the implosion of the political process.

By the second half of 2014, the political escalation had reached such a level that it became difficult to qualify ongoing processes as a transition. The Panel is of the opinion that the country relapsed into a war situation.

Implementation of the arms embargo

Libyan armed groups have continued to stockpile military materiel during the transition phase, either through the collection of arms and ammunition within Libya or procurement from outside. In the absence of any functional national security forces, post-revolution transfers of materiel to Libya, whether exempted by the Committee or not, have contributed to the consolidation of militias.

The increase in demand since 2014 for military materiel from all fighting parties and the resulting illicit transfers of military materiel are contributing to an open-ended conflict with no clear militarily dominant party.

Although the provisions of the arms embargo have been reinforced by resolution 2174 (2014), implementation is weak. The absence of universal enforcement of the embargo, the very high demand for materiel, and the resources and support available to fighting parties to procure materiel indicate that continuing large-scale illicit trafficking is inevitable.

Despite the high demand for arms and ammunition within the country, proliferation of materiel out of Libya has continued to present a significant security challenge for the country's immediate neighbours and the Sahel, particularly from a terrorism perspective. Current transfers of military materiel to Libya are likely to reinforce this further.

Implementation of the travel ban

Enquiries in Oman reveal that an individual designated under the travel ban measure, Safia Farkash Al-Barassi, moved from Algeria to Oman in January 2014 without prior approval of the Committee or post-facto notification.

Enquiries continue into the alleged plot to smuggle Saadi Qadhafi and his family to Mexico in 2011, in contravention of the travel ban.

Another individual designated under the travel ban measure, Quren Salih Quren Al Qadhafi, was interviewed by the Panel. He stated that he had left Libya in October 2011 for Algeria. He then travelled to Egypt via Morocco. In each case, he stated that the national authorities were aware of his presence. Egypt and Morocco both stated that he had not entered their territory under that name. The travel took place without the approval of the Committee or post-facto notification.

To achieve balance and fairness, efforts are under way to interview as many as possible of the individuals designated under the various measures. In October 2014, members of the Panel interviewed two individuals subject to the travel ban, Mohammed and Aisha Qadhafi, in Oman.

The locations of some of the individuals designated under both the travel ban and the assets freeze have changed, and the Panel proposes several updates to the Sanctions List.

Implementation of the assets freeze

The Panel currently focuses on listed individuals. Within the reporting period, there have been developments in both existing and new investigations. The process has been slow because of the difficulties of obtaining information from Member States. Nonetheless, persistent enquiries are producing meaningful results that in turn provide new leads towards the identification of assets that ought to be frozen and the efforts being made to disguise them.

A number of instances of fraudulent attempts to recover Libyan assets allegedly stolen from the Government have come to light. Where these attempts concern assets that are potentially liable to be frozen, they fall within the mandate of the Panel and are being investigated.

Further enquiries into the capacity of Member States to properly implement the assets freeze has identified further Member States that are unable to do so because of gaps in their national legislation, or obstacles within their constitutional framework. These matters should be of concern to the Council, as they make the implementation of the freeze impossible in the Member States concerned.

Implementation of sanctions on designated vessels

Following the incident of the vessel *Morning Glory* in March 2014, the Council adopted resolution 2146 (2014), enabling the Committee to designate vessels attempting to illicitly export crude oil from Libya, upon request by the Government of Libya. No such request was received during the reporting period and no vessels were designated, despite the export of crude oil from ports that are not under the control of the Government.

The Panel believes that the requesting mechanism for the designation of vessels is ineffective and should be revised. The Panel further found that not only crude oil was subject to illicit export, but also its derivatives, which is likely to provide funding to the ongoing conflict.

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I. Background

1. The evolution of the Libyan sanctions regime up to resolution 2144 (2014) can be found in the Panel's previous reports (see S/2013/99 and S/2014/106). The resolutions establishing this mandate and subsequently modifying its scope can be found in annex 1.

A. Mandate and appointment

2. By its resolution 2144 (2014), the Council extended the mandate of the Panel of Experts established pursuant to resolution 1973 (2011) for a period of 13 months, to carry out the following tasks: to assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011); to gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided upon in resolutions 1970 (2011) and 1973 (2011) and modified in resolutions 2009 (2011), 2040 (2012), 2095 (2013) and 2144 (2014), in particular incidents of non-compliance; to make recommendations on actions that the Council, the Committee, the Government of Libya or other States might consider to improve implementation of the relevant measures; and to provide to the Council an interim report on its work no later than 180 days after its appointment and a final report no later than 10 March 2015 with its findings and recommendations.

3. The Council also encouraged the Panel, while mindful of the responsibility of the United Nations Support Mission in Libya (UNSMIL), to assist the Libyan authorities to counter illicit proliferation of all arms and related materiel of all types, in particular heavy and light weapons, small arms and man-portable surface-to-air missiles, and to secure and manage the borders of Libya, to continue to expedite its investigations regarding sanctions non-compliance, including illicit transfers of arms and related materiel to and from Libya, and the assets of individuals subject to the asset freeze established in resolutions 1970 (2011) and 1973 (2011) and modified in resolutions 2009 (2011), 2040 (2012) and 2095 (2013) and encouraged UNSMIL and the Government of Libya to support Panel investigatory work inside Libya, including by sharing information, facilitating transport and granting access to weapons storage facilities, as appropriate.

4. By its resolution 2146 (2014), the Council extended the Panel's mandate to include the monitoring of measures in relation to attempts to illicitly export crude oil. Furthermore, the Council increased the membership of the Panel to six members.

5. By its resolution 2174 (2014), the Council requested the Panel to provide information on individuals and entities meeting the additional designation criteria outlined in that resolution.

6. Following the adoption of resolutions 2144 (2014) and 2146 (2014), six members of the Panel were appointed on 17 April 2014.

B. Methodology

7. The Panel continued to follow the same methodology as in previous mandates. For full details, see annex 2.

8. In accordance with the words limits for monitoring body reports, the Panel decided to move some parts of the present report, including a number of (potential) violations into annexes, in order to retain those in the main body of the report that are potentially most detrimental to the stability of Libya.

C. Cooperation with stakeholders and organizations

9. Since the submission of the Panel's last final report (S/2014/106), it has undertaken visits to Belgium, the Central African Republic, Chad, Cyprus, Egypt, France, Ghana, Greece, Italy, Lebanon, Malta, the Netherlands, the Niger, Oman, South Africa, Singapore, Sweden, Switzerland, the Syrian Arab Republic, Tunisia, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and made two visits to Libya. During its visits to Libya, the Panel limited its movements to Tripoli, owing to the security situation. For a list of institutions and individuals consulted during this mandate, see annex 3.

10. Since its most recent visit to Libya, in July, the Panel has made continuous efforts to travel to several locations within the country, especially from September onwards and after the initial escalation of the situation in Tripoli. During previous mandates, the Panel received logistical support from UNSMIL while in Libya. Since the evacuation of UNSMIL in July, however, the Panel has not been able to travel to Libya, owing to its dependence on support and clearance by UNSMIL and the Department of Safety and Security of the Secretariat in Libya. After several requests for assistance at the working level and an unanswered letter from the Committee to the Special Representative of the Secretary-General, Bernardino León, on this issue did not achieve a concrete result, the Panel met the Special Representative of the Secretary-General and his team in late October in Tunis, where he promised his support, including the possibility of using an aeroplane to be assigned to UNSMIL.

11. Despite repeated follow-ups by the Secretariat, no progress had been made on either security clearance or logistical support by 19 January 2015. The Panel regrets that, owing to what it perceives as a lack of action by UNSMIL and the Department of Safety and Security in Libya, it was not able to travel to Libya for more than five months. This was despite having received an official invitation from the Government of Libya, representatives of which expressed surprise that the Panel was not able to visit, while various UNSMIL delegations had repeatedly visited Libya throughout that period (see recommendation 6).

12. The Panel has sent 172 official communications since the submission of its last final report (see annex 4). The Panel thanks those Member States that provided responses to its requests for information and agreed to requests for visits. However, it is still waiting for answers to its visit requests from some Member States, including Algeria, Canada, Mexico, Morocco, Nigeria and the Sudan.

D. Regional context

1. Overview

13. The Libyan transition to elected institutions and political stability has been challenged by the establishment of rival governing bodies in Tripoli, following the elections in June 2014 of a new parliament, and the support of some States in the region of different factions inside Libya.[1] The interconnectedness of these factors has solidified the dispute over the legitimacy of the current political entities and processes, and also expanded the conflict between two governments and two parliaments: the Government based in Al-Bayda ("the Government of Libya"), the ex-General National Congress-proclaimed Al-Hassi government in Tripoli ("the Al-Hassi government"), the House of Representatives based in Tobruk and the self-reinstated General National Congress based in Tripoli. Despite pledges by regional States "to promote national consensus and reconciliation" and "to reject any outside interference in Libya",[2] the crisis in Libya shifted from political manoeuvrings into armed conflict where militia leaders became the real power brokers.[3]

14. The deterioration of the internal situation caused security, political and humanitarian problems for neighbouring States, as it escalated from sporadic confrontations between armed groups to major armed conflict involving coalitions that eventually centred around operations Fajr and Karama. Over the course of 2014, 2,825 individuals were killed and more than 394,000 people were forced from their homes to live as internally displaced persons across 25 cities in the country.[4] Libyan refugees face challenges in neighbouring countries such as Tunisia, where they face increasing difficulty in settling. Likewise, Tunisian officials have expressed concern about the long-term cost of hosting those Libyan refugees. Tunisia hosts about 2 million of them, nearly one third of the Libyan population.[5]

15. UNSMIL repeated its calls for an immediate cessation of military operations to enable the Libyan political dialogue. The Special Representative of the Secretary-General continued his diplomatic efforts, after the initial meeting in Ghadames on 29 September 2014, to convene a second round of political dialogue among various political stakeholders in Geneva on 14 and 15 January 2015 to find ways to end the political, security and institutional crisis.[6] This round of talks raised hopes for the Libyan crisis and participants agreed to return to Geneva in the third week of January 2015 for a new round of dialogue.

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[1] "El-Sissi denies Egyptian military intervention in Libya", Deutsche Welle, 28 August 2014. Available from www.dw.de/el-sissi-denies-egyptian-military-intervention-in-libya/a-17874752.

[2] United States Department of State, Office of the Spokesperson, "Joint communiqué on Libya", Washington, D.C., 22 September 2014. Available from www.state.gov/r/pa/prs/ps/2014/09/231985.htm.

[3] Mary Fitzgerald, "Libya's new power brokers?", *Foreign Policy*, 27 August 2014. Available from http://foreignpolicy.com/2014/08/27/libyas-new-power-brokers/.

[4] According to Libya Body Count, a non-governmental website which accuses the Government of Libya of "refusing" to do a body count (see www.libyabodycount.org).

[5] Monji Saidani, "Tunisia fears impact of Libyan refugees on subsidies system", *Al-Sharq al-Awsat*, 3 August 2014. Available from www.aawsat.net/2014/08/article55335019.

[6] "UN-facilitated dialogue Libyan political dialogue concludes first round in Geneva", United Nations Support Mission in Libya (UNSMIL) press release, 15 January 2015. Available from http://unsmil.unmissions.org/Default.aspx?tabid=3543&ctl=Details&mid=6187&ItemID=1992911&language=en-US.

2. Regional developments

16. For an overview of recent regional developments, see annex 6.

II. Security developments and related sanctions criteria

17. The Panel wishes to provide some clarifications on its work since the Security Council, in its resolution 2174 (2014), expanded the scope of its investigations.

18. Given the current escalation, it is important to mention that research for the present report stopped in December 2014. Further developments are therefore not reflected.

19. The Panel notes that resolution 2174 (2014) created specific expectations among all stakeholders in the current armed conflict.

20. The Panel further notes that, to date, resolution 2174 (2014) has mainly been used as a deterrent for further escalation and as an incentive for warring factions to engage in negotiations.

21. The Panel wishes to underline that Ansar Al Charia Derna and Ansar Al Charia Benghazi were listed under a different sanctions regime, independent of the Panel's investigations and reporting.

22. The Panel notes that any statements on sanctions made by any actors involved were unrelated to the work of the Panel, which conducted its investigations in complete independence from ongoing political and diplomatic processes.

23. The Panel is a technical body, investigating potential violations under resolution 2174 (2014) from a purely technical viewpoint.

24. To enable a clear analysis of the complex set of security incidents that occurred in Libya during 2014, the Panel presents developments in six sections analysing a series of events in specific areas and time periods. For further reference, the Panel has developed a database of security incidents with geographic references and timestamps, represented on a clickable map. Several screenshots of this map have been inserted in the annexes to the present report. The map is available at www.annexmap.net/libya/, using the password: PoEL2014 (see annex 7 for further explanation).

A. Insecurity in Benghazi early in 2014

25. The first months of 2014 saw a further and sharp deterioration of the security situation in Cyrenaica, in particular in Benghazi and Derna. Targeted attacks on politicians, members of the security services, journalists, judges, human rights activists and other community leaders continued, leading to overall insecurity. This caused a number of public protests in Benghazi, including a riot at the premises of the Ministry of Defence on 26 February, a general strike on 2 April and a rally of civilians at the barracks of the February 17 Brigade on 9 May 2014.

Threats to peace, stability or security, including human rights violations

26. The markers on the map in annex 8 represent more than 100 reported actual or attempted assassinations in the period from January to May 2014 in Benghazi and Derna, confirming that such crimes occurred on an almost daily basis. Whereas in some cases (less than 10), the victims were reported to be members or supporters of so-called Islamist militias, the large majority of attacks were reported to have targeted members of the Benghazi security services, especially the "army". At least a dozen of the attacks involved the use of improvised explosive devices, mostly vehicle-borne improvised explosive devices. From the descriptions of the events, documentation and interviews that the Panel conducted with individuals who fled Benghazi, some of the killings appear to have been particularly brutal or gruesome. There were also several reported abductions.

27. From the above, the Panel understands that daily life in Benghazi and Derna was severely disrupted. As most of the attacks took place in public spaces and regularly involved the use of explosives, ordinary citizens were constantly at risk. The insecurity rose to such an extent that many public figures and their families decided to leave Benghazi. The Panel therefore concludes that the widespread killing of security services personnel and civilians constituted a significant threat to the peace in those two towns and, by extension, to the whole of Libya.

28. The frequent use of improvised explosive devices suggests that networks with the necessary expertise were responsible for a significant number of the killings and that they involved a certain degree of planning and organization. Whereas the Panel has not been able to identify the perpetrators of specific incidents, Benghazi residents who have been subject to threats and attacks confirmed that the principal network planning and executing these attacks was the Ansar al-Sharia militia. In the meantime, Ansar al-Sharia — both in Benghazi and Derna — was listed by the Al-Qaida Sanctions Committee, as Ansar al Charia Benghazi (QE.A.146.14) and Ansar al Charia Derna (QE.A.145.14). The listing specifically mentions the militia's responsibility for hundreds of victims while targeting local security forces in Benghazi.[7]

29. During the same period, Ansar al-Sharia reportedly gained a good deal of prestige among Islamist fighters, also because it included some international jihadis within its ranks. This gave the militia a boost in its recruitment and allowed it to become the dominant force in what would become the Benghazi Revolutionaries Shura Council.

30. Ansar al-Sharia has a presence beyond the east, notably in Sirte, Sabratah and Awbari. Ansar al-Sharia units recently participated in Operation Shuruq. National and international links of the Ansar al-Sharia network were revealed in an interesting sequence of events surrounding the kidnapping of the Jordanian ambassador to Libya on 15 April 2014. His captors, described by the Jordanian authorities as having received support from the Libyan Revolutionaries Operations Room and Libya Shield, took him from Tripoli to Sabratah, in the west, and released him a month later in an apparent exchange for a Libyan militant, Mohamed Dersi,

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[7] Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, narrative summary of reasons for listing for Ansar al Charia Benghazi (QE.A.146.14). Available from www.un.org/sc/committees/1267/NSQE14614E.shtml.

who had been jailed in Jordan on terrorism charges. However, on 29 December 2014, the Panel saw him reappearing in a video distributed by Ansar al-Sharia, participating in an operation by the Benghazi Revolutionaries Shura Council against a Libyan army base in the east.

B. Significant security incidents in Tripoli in the first half of 2014 (pre-Fajr)

31. The Panel has provided further details on security developments in Tripoli in the first half of 2014 in annex 9.

C. Operation Karama and the creation of the Benghazi Revolutionaries Shura Council, May to August 2014

32. On 16 May 2014, a coalition of army units, ex-revolutionary groups and tribal militias calling itself the "Libyan National Army" launched the first of a series of attacks, presented as Operation Karama (dignity), against Ansar al-Sharia and other armed groups that it claimed were responsible for insecurity in Benghazi. Karama was headed by Khalifa Haftar, who had called for the suspension of the General National Congress and the Government earlier in the year, during what was suspected to have been a failed coup attempt.[8] The Libyan National Army received support from the top command of the air force, the navy and the Benghazi-based Sa'iqah Special Forces. The support of the air force has been especially apparent, with airstrikes prominently featuring in the tactics of the Libyan National Army.

33. Karama has mainly targeted bases and activities of Ansar al-Sharia, the 17 February Brigade, the Rafallah Al-Sahati militia and the eastern Libya Shield brigade (Shield 1). Following the launch of Karama, these armed groups joined forces to create the Benghazi Revolutionaries Shura Council, an organization that openly advanced an Islamist agenda (see annex 13). Over the summer, the Benghazi Revolutionaries Shura Council coalition won several key battles against the Karama forces, the most significant on 29 July 2014, when it captured the Special Forces Thunderbolt camp.

34. In December 2014, mirroring the alliance in Benghazi, several Islamist militias in Derna sought to create a similar organization, the Shura Council of Mujahideen in Derna. The initiative was taken by the Abu Salim Martyrs brigade under the leadership of Salim Derby. It remains to be seen to what extent the extremist groups in Derna will rally under the Shura Council of Mujahideen in Derna banner, especially as one of the town's strongest factions, the Islamic Youth Shura Council, already pledged allegiance to Islamic State in October. Nevertheless, on 24 December 2014 the Shura Council of Mujahideen in Derna claimed that it had undertaken a joint operation with Islamic State in Libya against Labraq airport.[9]

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[8] "Attempted coup d'état in Libya", *Voltaire Network*, 15 February 2014, available from www.voltairenet.org/article182192.html; and "Libya Major General Khalifa Haftar claims gov't suspended in apparent coup bid; PM insists Tripoli 'under control'", CBS News, 14 February 2014, available from www.cbsnews.com/news/libya-major-general-khalifa-haftar-declares-govt-suspended-in-apparent-coup-bid/.

[9] Labraq is the only airport in eastern Libya that infrequently opens for commercial flights.

35. Operation Karama as a separate entity nominally ceased to exist when Khalifa Haftar pledged allegiance to the newly elected Chief of Staff, Abdel Razzak Nadhuri, "integrating" his command structure into the Libyan army under the House of Representatives in Tobruk on 25 August 2014, as confirmed to the Panel by a senior member of the Government of Libya.[10] Despite support from the Government of Libya, the positions of Haftar and Karama remain contested by a part of the House of Representatives, leading to a series of premature statements and ultimately a unilateral decision by the Speaker of the House of Representatives to re-enlist 127 former army officers.

1. Threats to peace, stability or security (Operation Karama, mid-May to mid-August 2014)

36. Karama representatives justified their actions to the Panel by claiming that they were fighting against terrorists and Islamist extremists. The anti-terrorism discourse featured prominently during Panel interviews with Karama supporters and in media reporting. Whereas there is no doubt that armed groups caused significant security challenges in Benghazi and performed acts of terrorism, it may be argued that the controversial operation further threatened the stability of Libya and complicated its political transition.

37. Most importantly, Karama had not been approved by any of the military hierarchies in Tripoli, nor had it received any official political backing. Technically, it was a rogue operation aimed at militia fighters, many of whom were former revolutionaries, who had previously been contracted by the Government of Libya to "secure" certain areas or facilities.[11] Therefore, the Karama troops could not be considered to represent an "official army" any more than could their opponents.

38. Furthermore, Karama was suspected of ambitions beyond securing Benghazi. Khalifa Haftar, the undisputed leader of the operation, had previously sought to interfere with the political process in Tripoli when he announced the suspension of the General National Congress, which, controversially, had recently extended its mandate. Moreover, the same day that Karama was launched in Benghazi, militiamen from Zintan, claiming to represent the Libyan National Army, briefly attacked the General National Congress building in Tripoli while again declaring the dissolution of the parliament (see annex 16).

39. Lastly, the extensive use of aircraft in Karama operations, especially in what was mostly urban warfare, has provoked allegations on social media of indiscriminate use of force.

40. The Panel has investigated each of the arguments above. While interlocutors in Tripoli did confirm the rogue status of Karama and its chief commander, the Panel could not confirm a decisive national spoiler effect and found little evidence to suggest that the aerial bombardments had resulted in large numbers of civilian casualties.

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[10] The Panel will refer to any operations commanded or executed by former *Karama* officers after 25 August 2014 as operations of the Libyan army with Karama.

[11] Wolfram Lacher and Peter Cole, *Politics by Other Means, Conflicting Interests in Libya's Security Sector*, Small Arms Survey Working Paper 20 (Geneva, Small Arms Survey, Graduate Institute of International and Development Studies, October 2014). Available from www.smallarmssurvey.org/fileadmin/docs/R-SANA/SAS-SANA-WP20-Libya-Security-Sector.pdf.

41. Conflict event data from the period May-August 2014 show that Karama operations between 16 May and mid-August were limited to Benghazi, Derna and one reported attack in Ajdabiya (see map in annex 10). It was only by the end of August, one week before Karama "integrated" into the Libyan army, that the operation extended to the capital, and after it had been under attack for more than a month. Indeed, when the Panel visited Tripoli early in July 2014, all its interlocutors referred to Karama as a security issue that was separate from national political struggles.

42. Karama did not resolve the security problems in the "east", but rather caused a further "local" escalation. Conflict event data show a major escalation in many areas of Benghazi during this period, including a series of aerial bombings ordered by Haftar's air force commander, Saqr Geroushi, and frequent missile and/or mortar attacks by both warring parties. Moreover, although the conflict event data suggest a limited decrease, the wave of assassinations and improvised explosive device attacks continued, including incidents of suicide bombing.

43. The Panel could find no media reports indicating the systematic use of indiscriminate force by Karama. Furthermore, the Panel received no such allegations in meetings with authorities in Tripoli while Karama was under way. Likewise, Panel interlocutors in subsequent months did not consider Karama actions to have been indiscriminate (the interviewees included a magistrate, a human rights activist and several other civil society figures who originated from Benghazi).

2. Threats to peace, stability or security (Benghazi Revolutionaries Shura Council)

44. Benghazi Revolutionaries Shura Council figureheads Mohammed Al-Zahawi (Ansar al-Sharia), Wissam Bin Hamid (Libya Shield I) and Jalal Makhzoum (Rafallah al-Sahati brigade) have featured together in several pictures and videos that were made during or after military operations, showing that the alliance also exists at an operational level. Their recorded speeches and written statements confirm that the coalition has little interest in the stabilization of the Libyan State. The Benghazi Revolutionaries Shura Council has made repeated statements rejecting Libyan "democracy" and stressing the need to install the "rule of God". As such, and this is confirmed by their actions, these groups appear more interested in establishing strict sharia rule than in politics in Tripoli.[12]

45. Another indication of extremist currents within the group is the increasing number of claims of suicide bombings in Benghazi against Karama targets. Numerous photos and names of foreign fighters were posted on social media, alleging that they carried out such attacks, sometimes glorifying them.[13]

46. Although the security impact of the Benghazi Revolutionaries Shura Council in 2014 was mostly limited to Benghazi, the Panel considers it potentially a much bigger spoiler of the political future and renewed stabilization of Libya than Karama. Indeed, if the Benghazi Revolutionaries Shura Council maintains the same

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[12] Ansar al-Sharia leader Mohammed Al-Zahawi was reported to have announced the establishment of an Islamic emirate on Radio Tawahid (Islamic Unification).

[13] Ayat Mneina, "Horrific developments: terrorists growing desperate in Libya", *Libyan Youth Voices*, 26 November 2014. Available from http://lyvoices.org/horrific-developments-terrorists-growing-desperate-in-libya/.

position, it will continue to violently challenge any State authority that is not in line with its religious ideology.

3. Threats to peace, stability or security, including human rights violations

47. The Panel received reports that several commanders of the Benghazi Revolutionaries Shura Council had previously been implicated in serious human rights violations.

48. The commander of the eastern Libya Shield brigade, Wissam Bin Hamid, had previously been accused by Coptic Christians of running a detention facility where they underwent torture. Sources, including a victim, confirmed to the Panel that Bin Hamid was frequently involved in arbitrary arrests, sometimes to obtain ransoms and benefit financially.

49. Furthermore, the Panel has seen several pictures on social media, allegedly showing the Islamic Youth Shura Council organizing rallies in support of Islamic State. Meanwhile, it has been involved in similar practices and human rights violations. On 19 August 2014, for example, a video published on social media showed the public execution of an Egyptian man at a football stadium. The man had been accused of murder and had been "tried" by a committee under the authority of the Islamic Youth Shura Council and outside the Libyan judicial system.[14]

4. Threats to peace, stability or security, including acting for or on behalf of or at the direction of a listed individual or entity

50. Since one of the constituent groups of the Benghazi Revolutionaries Shura Council, Ansar al-Sharia, was included in the Al-Qaida Sanctions List in November 2014, any individual or entity commanding or participating in an operation by the Benghazi Revolutionaries Shura Council potentially faces sanctions as well.

D. Operation Fajr (July to December 2014)

51. On 13 July 2014, armed groups from Tripoli and Misrata launched an attack on areas of Tripoli against rival groups from Tripoli and Zintan. The attackers announced their actions as Operation Fajr Libya (Libya Dawn), identifying the Zintan Qa'qa and Sawaiq brigades as their main targets. Two weeks into the fighting, the operation received considerable reinforcements from Misrata, and the situation swiftly escalated into open armed conflict, spreading over several areas of the west.

52. On 7 August 2014, a militia identifying itself as the "tribes army", but composed mainly of Warshefana fighters, attacked and captured Fajr allied army camp 27. In the following weeks, Fajr artillery and ground units from Zuwaya, Tripoli and Zliten/Misrata overran the entire Warshefana region southwest of Tripoli, including densely populated residential areas.

53. During the same period, they also advanced further south, clashing with Zintan units on several occasions near Gharyan in the Nafusa mountains. When Fajr further closed in on the town of Zintan early in October and sought to negotiate access and

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[14] "'Public execution' in football stadium shows Libya's descent into lawlessness", Amnesty International, 22 August 2014. Available from www.amnesty.org/en/news/public-execution-football-stadium-shows-libya-s-descent-lawlessness-2014-08-21.

support with the politically marginalized Berber populations of the towns of Kikla and Yafran, Zintan launched a pre-emptive attack on Kikla. After the mountain town witnessed some of the heaviest fighting in the recent conflict, the Fajr advance in the south came to a stop.

54. Beyond Tripolitania, Fajr exacerbated the fragile security situation in the southern province of Fezzan (see annex 15). In December, the fighting extended to the east, when Fajr announced a follow-up operation to its Tripoli attack, called Shuruq (sunrise) (see map in annex 11). The new operation involved militias from Misrata and Sirte, and Central Shield, targeting the oil terminals of Sidra and Ras Lanuf. The attack received political backing from the remaining members of the self-reinstated General National Congress, while challenging the newly elected House of Representatives in Tobruk. The Fajr forces specifically referred to decision No. 42, issued by the Congress President, Nuri Abu Sahmain, in 2013, instructing armed forces to break the oil port blockade by Petroleum Facilities Guard forces loyal to Ibrahim Jadhran.

1. Threats to peace, stability or security, including attacks against public installations and foreign missions

55. The political transition of Libya after the revolution in 2011 has been very difficult and the security situation has remained precarious throughout. The launch of Operation Fajr undid most of the limited progress and set off a series of further escalating events. In a matter of weeks, the Government of Libya stopped functioning, the newly elected parliament left the capital, the United Nations evacuated, international flights were suspended and most embassies closed. As opposed to previous, smaller escalations, Fajr effectively drove a wedge between political factions and affiliated militias, rendering any collaboration or even dialogue impossible in the short term.

56. In addition, Fajr operations, through both targeted actions and the indiscriminate use of force, have caused considerable material and institutional damage, which led to massive population displacements. The most striking cases of material damage are described below.

57. The operations destroyed Tripoli International Airport and neighbouring buildings and damaged or destroyed 28 functional aeroplanes.[15] Nearby, a fuel storage depot that reportedly held 90 million litres of fuel was hit by several missiles, setting it ablaze.[16] During the fighting, more than $2 billion in damage was inflicted on the airport, according to the Libyan Civil Aviation Authority. When Fajr forces eventually captured the airport on 23 August 2014, they set it on fire, causing further damage.

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[15] "List of aircraft damaged during fighting at Tripoli Airport, Libya", Aviation Safety Network, 31 August 2014, available from http://news.aviation-safety.net/2014/08/31/list-of-aircraft-damaged-during-fighting-at-tripoli-airport-libya/. In addition, six aeroplanes that had previously been withdrawn from use were severely damaged.

[16] Summer Said and Benoît Faucon, "Rockets fired by Libyan militia hit Tripoli fuel depot", *Wall Street Journal*, 2 August 2014, available from www.wsj.com/articles/rocket-fired-by-libyan-militia-sets-tripoli-fuel-depot-on-fire-1406989950. Satellite images published by Human Rights Watch show the extent of the damage (see "Libya: spiraling militia attacks may be war crimes", 8 September 2014, available from www.hrw.org/news/2014/09/08/libya-spiraling-militia-attacks-may-be-war-crimes).

58. An organized campaign targeted the Alassema television station, during which several people were abducted, offices were ransacked, equipment was burned and private residences of employees, the owner and family members were attacked.[17] The main attacks were carried out on 24 and 25 August 2014, but previous incidents had been reported, including an assassination attempt on an employee in the Abu Salim neighbourhood on 2 August. Several of the victims had previously received threats and identified the attackers, who filmed themselves during some of the acts, as supporters of Fajr. In November, it was reported that the international news channel France 24 had suspended its activities in Tripoli after its correspondent received written and verbal threats from the new authorities in Tripoli (see annex 14) (see recommendation 4).[18]

59. Administrative buildings in Tripoli were occupied and plundered, sometimes accompanied by the theft of files and records. In addition, Fajr affiliates engaged in further attacks against civilian residences of individuals suspected of supporting Zintan. For example, on 25 August 2014, they attacked and set fire to the home of the Prime Minister, Abdullah Al-Thinni, and two days later burned down the home of the acting Transportation Minister, Abdelgader Al-Zintani.[17] The Tripoli local council reported on 25 August that at least 12,600 families had been displaced because of the violence.

60. Diplomatic missions were illegally occupied, and they and their personnel attacked. Fajr militiamen filmed themselves within a residential annex of the United States embassy compound in Tripoli in August. The same month, unknown militiamen had forced entry into the Moroccan consulate. During more serious incidents, both the Egyptian and United Arab Emirates embassies were targeted with vehicle-borne improvised explosive devices on 13 November 2014 by unknown attackers, as confirmed to the Panel by both countries' diplomats. Egyptian diplomats in Tripoli had been targeted before. The embassy had been closed since January 2014 when the Libyan Revolutionaries Operations Room — a leading militia within Fajr — abducted five embassy employees, demanding to exchange the hostages for their leader, Shaban Hadiya, who had been arrested in Alexandria. Jordanian authorities also identified the involvement of the Libyan Revolutionaries Operations Room in the abduction of their ambassador in April.

61. Infrastructure and civilian properties in Warshefana areas were subject to widespread destruction.

62. Seven oil reservoirs in Sidra port were set alight. The oil terminal area had previously been targeted with missiles by Fajr forces during Operation Shuruq, without causing major damage. However, on 25 December 2014, Fajr forces reportedly attacked Sidra at night from the sea, under the cover of rocket fire, using more than a dozen small vessels for their approach. During the clashes, an oil reservoir was hit, which subsequently led to the ignition of several others. In total, 1.8 million barrels were reported to have been destroyed, representing a total cost of $213 million.[19]

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[17] "Libya: spiraling militia attacks may be war crimes", *Human Rights Watch*, 8 September 2014.

[18] "France 24 ferme son bureau à Tripoli après des menaces", AfriqueJet.com, 20 November 2014. Available from www.afriquejet.com/afrique-nord/13676-france-24-ferme-son-bureau-a-tripoli-apres-des-menaces.html.

[19] "Fire at Libyan oil port destroys up to 1.8 million barrels of crude", *Hellenic Shipping News*, 31 December 2014. Available from www.hellenicshippingnews.com/fire-at-libyan-oil-port-destroys-up-to-1-8-million-barrels-of-crude/.

63. The Panel established from interviews and reports that the main Fajr commanders involved in the Tripoli attack included Salah Badi, Shaban Hadiya, Saleh Alburki and Abdelghani Kikli (also known as Ghaniwa). Abdelraouf Kara provided at least logistical support. The Western Shield commander, Mohammed Al-Kilani, was reportedly killed in subsequent clashes. Concerning Operation Shuruq, the Panel is investigating the involvement of Mohammed Musa and commanders from the Sirte branch of Ansar al-Sharia.

64. Although the Panel cannot exclude that, in some of the cases described above, some of the infrastructural damage could have been caused by opponents of Fajr, it concludes that the primary responsibility for this destruction lies with the attackers. The use of indiscriminate fire by Zintani forces is discussed below (see paras. 84 ff).

2. Threats to peace, stability or security, including human rights violations

65. Several leading figures within Fajr and its militias have been involved in serious human rights abuses in the course of the operation[20] and in the past. Most importantly, commanders have repeatedly been involved in attacks targeting specific communities that they accused of serious crimes and human rights violations while siding with the former regime (see recommendation 2).

Tawergha

66. The Tawerghans are one of these communities. International and Libyan human rights activists have explained to the Panel how the people from this town have suffered persistent attacks, especially from Misrata militias. The latest of such attacks occurred on 30 August 2014 on the Tawerghan internally displaced persons camp of al-Fallah, when Fajr combatants entered the camp shooting. Community members stated that at least 13 people received bullet wounds, 1 person died and close to 100 young people were arrested and transferred to a detention centre in Misrata. A total of 1,233 displaced families were forced to flee the camp. The attack was executed by Western and Central Shield units.

67. Tawergha camps were targeted on previous occasions. A particularly deadly example occurred on 6 February 2012 at the Janzour camp, which was then home to 2,000 internally displaced persons. Heavily armed militiamen, described by the victims as having arrived in vehicles from Misrata, killed seven people during the raid and its aftermath.[21]

68. Former revolutionaries from Misrata have persistently targeted Tawerghans since they fled their home town in August 2011. Those atrocities have been so severe that the International Commission of Inquiry on Libya concluded in March 2012 that the Misrata persecution of Tawerghans could constitute a crime against humanity.[22] Tawergha activists and victims explained that many of the attacks were executed by young and low-ranking fighters, but that their actions were coordinated

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[20] Amnesty International asserts that some of the attacks by militias it has documented amount to war crimes (see "Libya: rule of the gun — abductions, torture and other militia abuses in western Libya" (London, Amnesty International, 2014), available from www.amnesty.org/en/library/asset/MDE19/009/2014/en/57d72884-d2a4-4a4d-b6cb-317f82595823/mde190092014en.pdf).

[21] "Libya: bolster security at Tawergha camps", *Human Rights Watch*, 5 March 2012. Available from www.hrw.org/news/2012/03/05/libya-bolster-security-tawergha-camps.

[22] See A/HRC/19/68.

at a higher level. Indeed, Human Rights Watch analysed satellite imagery of Tawergha showing the systematic burning and blasting of 1,690 structures between the end of the revolution and August 2012, indicating a certain level of planning.[23] The Panel understands that some Fajr commanders have been implicated in these attacks throughout.

69. The Panel has received written and video/audio recorded statements holding several individuals responsible for the attacks, including Mohammed Musa and several members of the Al Swehli family. Although it was not able to establish with absolute certainty that these individuals participated in or ordered some of the events, it understands that, given their status and positions within their community, they could have prevented, stopped or condemned them at any time.

Bani Walid

70. Another notorious "revenge attack" against a whole community was launched against the Warfallah population living in the town of Bani Walid. Inhabitants of that town had been persecuted in the aftermath of the revolution in 2011. According to Amnesty International, by 2012 hundreds of Warfallah had been arrested, many without trial or even a charge.[24] The attack began on 25 September 2012, in what appears to have been a punitive expedition launched to avenge the death of a Misratan hostage after a reported release had gone wrong.[25] The newly elected General National Congress passed Law No. 7, authorizing the Ministry of the Interior and the Ministry of Defence to use all their powers to apprehend people in Bani Walid suspected of crimes committed before and during the revolution. Following the declaration of Law No. 7, Misrata Shield forces laid siege to the town and captured it within a month.

Warshefana

71. Information on recent events in Warshefana is scarce. When UNSMIL sought to visit the area in October, the new authorities in Tripoli denied access on the grounds that it was declared a war zone.[26] They also shut the offices of 16 Libyan national human rights institutions in late November after a series of intimidations. Nevertheless, from the available information, the Panel finds some parallels between the Fajr attack on Warshefana and previous attacks against specific communities.

72. First, the Warshefana tribe had been targeted before, and the Panel was told that parts of the community had already been displaced. In January 2014, their areas had been subject to a "policing operation", involving tanks, allegedly launched to

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[23] "Revenge crimes against Tawerghans in Libya", *Human Rights Watch*. Available from www.hrw.org/revenge-crimes-against-tawerghans-libya.

[24] Amnesty International, "Libyan authorities urged to protect Bani Wali residents from clashes" (London, 12 October 2012). Available from www.amnesty.org/en/library/asset/MDE19/021/2012/en/71353f6e-b970-46bc-bfde-67a1c3a3d681/mde190212012en.html.

[25] See S/2013/104.

[26] United Nations Support Mission in Libya and Office of the United Nations High Commissioner for Human Rights, "Update on violations of international human rights and humanitarian law during the ongoing violence in Libya", 23 December 2014. Available from www.ohchr.org/Documents/Countries/LY/UNSMIL_OHCHRJointly_report_Libya_23.12.14.pdf.

arrest a total of 177 listed criminals.[27] Incidents of arson and looting were reported, after which the situation rapidly escalated into open conflict. Statements by Grand Mufti Gheriani on the "duty" imposed by "religion and the prophet" on all "revolutionaries" to "eliminate these outlaws" and to treat all who did not leave the conflict area as criminals certainly exacerbated the situation.[28]

73. Second, the Fajr attack was followed by a massive displacement of the civilian population. In late August, the Libyan Higher Emergency Committee and the International Federation of Red Cross and Red Crescent Societies reported the flight of at least 100,000 Warshefana,[29] but when the Panel spoke with tribe representatives in October they claimed that number had risen significantly.

74. Third, the Panel was presented with an overview of examples of both targeted and indiscriminate Fajr attacks that had allegedly hit civilian infrastructure, including private residences, utilities and administrative buildings.

75. Lastly, some of the commanders have been involved in attacks against other communities. The Panel established from interviews and reports that Fajr commanders involved in the Warshefana operations included Salah Badi, Shaban Hadiya and Abdelghani Kikli (also known as Ghaniwa).

Recent events

76. On 17 December 2014, 14 soldiers, who were not participating in armed confrontations, were killed in Sirte. It was reported, among other allegations, that most of the soldiers had the same tribal background (Ferjan) as General Haftar, which could point to an ethnic motive. The former "Supreme Commander" of the Libyan armed forces, Nuri Abu Sahmain, still recognized by Fajr and the Al-Hassi government, announced an investigation into the event. The Panel will further look into this issue, especially since additional cases of mass killings of soldiers (allegedly claimed by the "Islamic State in Libya") were reported early in January 2015.

Detention centres

77. The Panel has received detailed and extensive evidence that several militia actions, such as those described above, have resulted in the detention of large numbers of individuals in facilities where they are often subjected to acts of torture. In July 2014, the Minister of Justice explained to the Panel that, of 17,000 prison guards, 11,000 were former members of militias. Interviews by the Panel confirm earlier reports by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and international human rights organizations that the effective

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[27] Ashraf Abdul Wahab, "Fighting in Warshefana area of Tripoli continues", Jamahiriya News Agency, 21 January 2014. Available from https://jamahiriyanewsagency.wordpress.com/2014/01/21/fighting-in-warshefana-area-of-tripoli-continues/.

[28] Ashraf Abdul Wahab, "Grand Mufti calls on revolutionaries to 'eliminate' criminals and insurgents in Warshefana and Sebha", *Libya Today*, 24 January 2014. Available from www.libya-today.com/grand-mufti-calls-on-revolutionaries-to-eliminate-criminals-and-insurgents-in-warshefana-and-sebha/.

[29] Office for the Coordination of Humanitarian Affairs, "Libya humanitarian appeal: September 2014-February 2015". Available from https://docs.unocha.org/sites/dms/CAP/2014_Libya_Humanitarian_Appeal.pdf.

control over many detention facilities lies exclusively with the militias. This situation has worsened since Operation Fajr.

78. The Panel has received, reviewed and archived a large number of gruesome accounts, including by victims, of torture and abuse in such centres, in particular against people accused of supporting the former regime. Several prisons were pointed out in particular. In some of the cases the Panel found the suspected involvement of individuals who play a leading role within Fajr.

79. First, the Panel has received consistent reports of serious human rights abuses at Hadba prison in Tripoli. The prison is controlled by militiamen supervised by Khaled Alsharif and are commonly referred to as the "National Guard", which was the armed group commanded by Alsharif during the revolution. The Hadba facility is probably the most famous in Libya because key figures from the former regime, such as Abdullah Senussi and Saadi Qadhafi, are imprisoned there.

80. Second, the Panel received consistent reports of serious human rights abuses committed at the Abu Salim prison, a facility featuring in UNSMIL/OHCHR and non-governmental organization reporting as well.[30] One victim has reported an acid attack by prison guards. Several interlocutors reported that the militia controlling the facility was commanded by Abdelghani Kikli (also known as Ghaniwa).

81. Third, the Panel received information and documentation on abuses against inhabitants from Tawergha in the Tomina (also known as Benissa) and Al Dafnia prisons, reportedly under the control of Issa Benissa Lasfar Al-Sarkasi and Faraj Al-Swehli.

82. Fourth, the Panel has received information on serious abuses at a detention facility at Mitiga airport controlled by Abdelraouf Kara, some of the reports being self-incriminating.

83. Militia control over detention centres is not limited to armed groups participating in Fajr. Cases of abuse and torture have also been reported in other areas. The Panel has received documentation on a case of torture and subsequent death of an individual by the Zintani "10 martyrs company" headed by Khaled Abd El-Hafiz el-Blaiji.[31]

3. Threats to peace, stability or security, including attacks against public installations and human rights abuses (Zintan militias)

84. As mentioned above, indiscriminate fire is a modus operandi also applied by those who have responded to Fajr attacks. The Panel concludes that Zintan and Warshefana units active in Tripoli are therefore likely to be responsible for some of the damage and civilian casualties in July and August 2014.

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[30] United Nations Support Mission in Libya, "Torture and deaths in detention in Libya", October 2013, available from http://unsmil.unmissions.org/Portals/unsmil/Documents/Torture%20Report%20Libya%20En%2001Oct2013.pdf; Amnesty International, "Libyan militias fighting to hold on to their grip on power", LiveWire, 30 April 2013, available from http://livewire.amnesty.org/2013/04/30/libyan-militias-losing-their-grip-on-power/.

[31] Video titled "The torture of [...] until death", on file with the Panel.

85. A particular allegation on the use of indiscriminate force by Zintan militias has followed the discovery of "approximately 600" anti-personnel mines near Tripoli International Airport after 24 August 2014.[32]

86. Furthermore, Zintan's "pre-emptive" operation against Kikla and the intensive fighting with Fajr units have led to widespread destruction and a massive displacement of the local population.[33] On the side of Zintan, sources reported the involvement of Sawaiq commander Imad Trabelsi.[34]

87. The Panel continues to investigate individual command responsibility regarding all the events above.

E. Integration of Karama into the Libyan army and related operations (September 2014 to January 2015)

88. The capture of Tripoli by Fajr and the establishment of the House of Representatives in Tobruk were followed by another significant escalation of the armed conflict. This development dramatically increased the political significance of Haftar's forces and provided the Prime Minister with an army that he could use to counter Fajr forces. The involvement of Karama in the Tripoli conflict was already reported on 18 August, a week before the operation's "integration" into the "Libyan army", when its air commander, Saqr Geroushi, had claimed a series of controversial airstrikes on Tripoli. The same scenario repeated itself briefly mid-September. However, the real involvement of Haftar forces in western Libya would really materialize only two months later.

89. The conflict event data show how, in September and October, Karama forces continued to concentrate their military actions in Benghazi and elsewhere in the east. When widespread calls for a popular uprising that would begin on 15 October circulated on social media, Karama swiftly capitalized on the "initiative", announcing a final push for the "liberation" of Benghazi.[35] Indeed, conflict event data indicate a clear increase in ground fighting in Benghazi at the end of October, without, however, the intended result. Although the map shows far fewer security incidents in the central districts of Benghazi for November and December, the war situation continued to prevent the move of the House of Representatives to Benghazi (see map in annex 12). Furthermore, pictures and videos show that the Benghazi neighbourhoods on which the "push" focused, including the Al Layti and Sabri districts, have suffered extensive material damage.

90. The actual counter-attack campaign against Fajr forces by the Al-Thinni Government and with the assistance of Karama was launched only at the end of November, with a series of airstrikes in Tripoli, Misrata and Zliten. The scale and

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[32] "Libya: evidence of new landmine use in Tripoli", *Human Rights Watch*, 5 November 2014. Available from www.hrw.org/news/2014/11/04/libya-evidence-new-landmine-use-tripoli.

[33] The Office of the United Nations High Commissioner for Refugees quotes "civilian groups" reporting a total displacement of 38,640 people (see "New displacement in east, south and west of Libya", Briefing Notes, 14 November 2014, available from www.unhcr.org/5465ff2b9.html).

[34] On the side of Fajr, the involvement of commander Abdelghani Kikli (also known as Ghaniwa) was reported.

[35] "Hafter says he will retire after liberation of Benghazi", *Libya Herald*, 15 October 2014. Available from www.libyaherald.com/2014/10/15/hafter-says-he-will-retire-after-liberation-of-benghazi/.

damages of the attacks appear to have been limited. More significantly, the "Libyan army" further extended its operations to the west early in December. The offensive involved the use of both land and air forces, indicating at least a certain level of coordination between the Karama aeroplanes and those participating on the ground. The Libyan army targeted the border crossing of Ras Jadir, as well as the towns of Zawiya, Sabratah and Zuwara. Together with the army's response to Operation Shuruq against eastern terminals, this effectively extended the armed conflict(s) to almost the entire Libyan coastline.

91. Some of the recent airstrikes adversely affected the army's reputation owing to civilian casualties, notably an attack on a food warehouse in Zuwara on 2 December 2014 and in particular the bombing of a Greek-owned oil tanker off the coast of Derna early in January 2015.

Threats to peace, stability or security, including attacks against public installations

92. It was not surprising that Operation Fajr was followed by a counter-attack, despite repeated calls for a ceasefire, including in resolution 2174 (2014), especially since Fajr operations continued around Tripoli. However, it took several months before the Government of Libya reacted militarily to the Fajr offensive and the "appointment" in Tripoli of a rival government. While several factors may have contributed to this, the decisive event appears to have been the Supreme Court decision of 6 November 2014 (see annex 16), weakening the Government's position in negotiations. Two weeks later, the Government launched its counter-attack.

93. Military action against Fajr has escalated the armed conflict in two stages. The first escalation came in August 2014, when Tripoli was still under attack and Karama claimed responsibility for a series of precise aerial bombings in the capital. Haftar, who made some bold statements about the General National Congress and related militias in the past, is highly unpopular among Fajr supporters, which they made very clear in interviews with the Panel and the media. The airstrikes in Tripoli, claimed by Haftar's air force commander, strengthened the resolve of Fajr and reduced the chances that mediation would succeed.

94. Whatever the motivations behind the Government's initial reluctance to counter-attack after August 2014, the Panel notes that it allowed for some two months of potential dialogue. During this period, the further threat to the peace could still be attributed to Fajr, which continued its operations in Warshefana and the Nafusa mountains.

95. The second time the opponents of Fajar militarily escalated the situation, in this case with a much bigger impact, was the counteroffensive of the Libyan army starting in late November. Not only did the operation draw additional towns into the conflict, but some of its airstrikes were provocative and deliberately targeted key infrastructure. On the one hand, the Panel noted that most of the strikes in Tripoli and Misrata were of limited intensity. On the other hand, the military necessity of attacking ports, airports and a steel factory is questionable. Furthermore, civilian casualties were reported at some of those sites.

96. The Panel was not able to establish who specifically had ordered the attacks. It recalls that the use of Karama air assets has nominally fallen under the responsibility of the Government of Libya since 25 August 2014. However, there is little doubt that the overall Karama commander, Haftar, could have stopped them.

97. On the separate issue of Karama operations after 15 October 2014 in several districts of Benghazi, the Panel continues to investigate the extensive damage caused by all parties involved, including allegations of indiscriminate use of force.

F. Events in the south (January to December 2014)

98. The Panel has provided further details on security developments in the south in annex 15.

III. Political transition in Libya and related sanctions criteria

99. "Obstructing or undermining the successful completion of Libya's transition" is a new criterion defined by the Security Council in its resolution 2174 (2014) to designate individuals or entities as subject to the travel ban and assets freeze. However, this transition has been an ongoing process since 2011. Events before August 2014 had already interfered with the process. Therefore, the Panel provides a full assessment of past and recent actions, focusing on the latter, of individuals and entities that have potentially undermined the Libyan transition in annex 16.

100. The assessment was moved to an annex owing to the word limits on reports of monitoring mechanisms. However, it contains important findings of the Panel and should be read for a full understanding of events.

IV. Implementation of the arms embargo

A. Arms transfer dynamics

101. Between the end of the 2011 revolution and mid-2014, the bulk of violations of the arms embargo have involved illicit trafficking of arms and ammunition from Libya. In parallel with this proliferation out of the country, Libyan armed actors continued to stockpile armaments during the transition phase, either through the collection of materiel within Libya or procurement from outside.

102. The strengthening of their arsenals has contributed to the consolidation of the positions of certain militias, through increased control over territory, their influence over the political sphere and eventually to the military operations that led to the current conflicts. The current increase in demand for military materiel from all fighting parties, and the resulting illicit transfers of military materiel are contributing to a lasting conflict with no clear militarily dominant party.

103. Since the escalation of the conflict in 2014, there has also been significant redistribution of weapon ownership within the country, through shifting control of stockpiles resulting from military confrontations, or from transfers of materiel by sea, air and land, as a result of alliances between protagonists.[36]

104. Current arms trafficking dynamics into Libya mirror some of those networks and alliances developed during the revolution. Certain Gulf and African countries are supporting specific armed actors, and broker networks created during or in the

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[36] For example, transfers of materiel took place between Misrata and Tripoli or Tobruk and Zintan.

aftermath of the revolution are actively seeking to secure arms deals. Current transfers to Libya are probably contributing to further onward proliferation of materiel, which continues to present a significant security challenge for other countries in the region, particularly from a terrorism perspective.

105. Although the provisions of the arms embargo have been reinforced by Council resolution 2174 (2014), implementation is weak. While the embargo has prevented responsible Member States and companies from exporting military materiel to Libya, it has not prevented the transfer of materiel from other Member States, companies and individuals who have opted not to respect the measures. To date, despite the violations reported in the Panel's three previous reports, no action has been taken against most of the violators. What is more, some have been involved in further violations.

106. The capacity of Libya to physically prevent transfers is almost non-existent, and there is no authorization to enforce the arms embargo on the high seas or in the air, as there was during the revolution in 2011. While the resolution calls upon neighbouring States in particular to implement the arms embargo, a number of those countries have very limited capacity to do so, and some are involved in breaches of the arms embargo themselves (see recommendation 1).

107. The weak enforcement of the arms embargo, the very high demand for materiel, and the resources and support available to fighting parties to procure materiel indicate that large-scale illicit trafficking is likely to continue.

B. Transfers to Libya during the revolution

1. Investigation of a potential transfer from Italy

108. In its 2014 report, the Panel explained that it was enquiring with the Italian authorities about the alleged delivery of military materiel, including arms, to Libyan rebels in Benghazi in May 2011. Research by TransArms on the matter alleged that the exported materiel originated from a shipment that was confiscated following an attempted violation of another United Nations arms embargo, and that it should have been destroyed following a court ruling.[37] In a letter dated 20 February 2014, Italy replied that it had studied the report seriously but had found no information to confirm the alleged export.

109. After consulting civil society sources that had previously followed the case,[38] the Panel has sought to independently verify the information contained in the press reports. The Panel could confirm many of the separate allegations and continues its investigations to link all reported events. The status of the Panel's investigations can be found in annex 17.

110. The Panel is of the opinion that, following the seizure of the vessel *Nour M* (see paras. 142 ff), the case above and the tragic incident at the Cypriot Zygi naval base,[39] a United Nations-led initiative is needed to securely dispose of the materiel

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[37] Sergio Finardi, "Le armi segrete dal Belpaese ai conflitti", *Altreconomia*, 25 August 2014. Available from www.altreconomia.it/site/fr_contenuto_detail.php?intId=2942.

[38] TransArms and Rete Italiana per il Disarmo.

[39] "Cyprus: Zygi naval base munitions blast kills 12", BBC News, 11 July 2011. Available from www.bbc.co.uk/news/world-europe-14102253.

seized under its different sanctions regimes and provide transparency over its status and location (see recommendation 10).

C. Transfers to Libya from the end of the revolution to mid-2014

111. Post-revolution breaches of the arms embargo include transfers to armed groups, official security bodies and the civilian black market. The Panel previously reported on several violations, and presents further details of confirmed violations in this period below.

112. The post-revolution transfers also include approved deliveries for the national authorities for which notifications were submitted to the Committee in accordance with Security Council resolution 2009 (2011). They have raised concerns regarding the identities of the actual end users of the materiel.

113. The Panel has reason to believe that most transfers, in particular of small arms and light weapons and related ammunition, to Libya since the revolution, whether notified or not, have ended up with armed groups, either through direct transfers or diversions. This contributed significantly to the empowerment of militias after the revolution and to the outbreak of the current conflict, and impeded the reform of the security sector.

114. Lastly, diversion of materiel at airports controlled by brigades has also targeted approved materiel transferred for the European Union Border Assistance Mission.

1. Security assistance to the national authorities: notified arms transfers

115. From the date of the adoption of resolution 2009 (2011) until the adoption of resolution 2174 (2014), Libya could procure military materiel if notified in advance to the Committee. Limitations to the notification process swiftly became apparent, in particular because of the multiple procurement channels for ministries, the lack of clarity around the identity of end users and the absence of monitoring of notified arms transfers. This raised concerns about the high risk of diversion and the misuse of materiel in the country.

116. To support the Government of Libya in reinforcing its control over arms procurement, the Committee requested it to identify focal points for procurement.

117. Following the provision of this information, the Committee released an implementation assistance notice for Member States in order to ensure more responsible and monitored transfers.[40] Only the latest version of that notice requests Member States to provide comprehensive information regarding the deliveries of materiel and a post-delivery note including the exact place of delivery, as most Libyan airports and seaports have been under the control of non-State armed actors since the end of the revolution, some nominally operating under the remit of national institutions. Obtaining this information previously would have enabled the Committee to identify to whom deliveries were being made in what became an increasingly fragmented security environment.

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[40] The latest updated version of the implementation assistance notice is available from www.un.org/sc/committees/1970/pdf/implementation_assistance_notice_2.pdf.

118. Until August 2014, notifications for supplies to the Government of Libya that contained all relevant information were circulated to the Committee under a set no-objection procedure of five days. No such notification was formally rejected.

119. Analysis of all such notifications shows that large quantities of materiel were subject to the notification process, including more than 60,000 handguns, 65,000 assault rifles, 15,000 submachine guns and 4,000 machine guns of various calibres, as well as more than 60 million rounds of ammunition for small arms and machine guns (9x19mm to 14.5mm). However, in the absence of any post-delivery notification system until recently, it is difficult to assess how much notified materiel has actually been transferred to Libya.

120. The number of Libyan officials signing procurement documentation, and the diversity of materiel (e.g. North Atlantic Treaty Organization and Warsaw Pact calibres, new and surplus materiel), reflects the lack of a needs-based assessment and procurement strategy of the Ministry of Defence in particular. While there were no accurate estimates of numbers of military personnel, several security sector reform and stockpile management experts, interviewed by the Panel in Libya in 2013, highlighted the lack of capacity of the army or the police to absorb, store and manage such quantities of materiel. The experts also shared their concerns about transfers of government-owned military materiel to largely autonomous brigades, nominally under the control of the Ministry of Defence or the Ministry of the Interior, which have filled the vacuum created by the absence of any functional army or police institutions.

2. Investigations of transfers of materiel to the Ministry of the Interior (2012 to mid-2014)

121. Since the revolution, and similar to the Ministry of Defence, the Ministry of the Interior comprised various competing entities, some of which relied heavily on largely autonomous militias to whom they provided equipment, including the Supreme Security Committee or the Department to Combat Crime.

122. Transfers of notified materiel to the Ministry of the Interior have raised significant concerns since the adoption of Security Council resolution 2009 (2011), in particular in terms of the end users of the materiel. For example, in 2012 alone, sales of more than 40,000 handguns to the Ministry were notified by several Member States. The Panel met the head of the Tripoli police at the time, the main police body of the country, who explained that the police never received any handguns despite its crucial need for that type of materiel and their numerous requests to the Ministry. He mentioned that the police had been given a small number of assault rifles in 2013, which were not adequate for police work. He believed that the 40,000 pistols had most likely been supplied to the Supreme Security Committee.

123. The Supreme Security Committee was a security body created under the Ministry of the Interior after the revolution as an attempt to "integrate" armed brigades into the formal security sector (see annex 16). While in reality brigades remained largely autonomous and structured, this "rebranding" allowed them to receive an official position, salaries, training and military materiel, which helped to further consolidate their capacity and influence. Until its official dissolution in 2013, the Supreme Security Committee was operating, mainly in Tripoli and

Benghazi, as a parallel police force. Some of the units had clear links to current Fajr figures and took part in the Fajr operation.[11]

124. The Panel has previously reported that some Ministry of the Interior staff had sold their official handguns on the black market owing to strong demand among the Libyan population since the revolution. The case below illustrates not only how procurement on behalf of national authorities has served the purpose of militias, but also that the absence of any arms management has allowed the selling of this equipment to third parties.

Transfers of firearms to the Supreme Security Committee from the United Arab Emirates

125. The Panel obtained information regarding the illicit export of firearms produced in the United Arab Emirates to Libya in 2013, for which no notifications had been submitted to the Committee. Following a request for information, the United Arab Emirates provided the Panel with copies of relevant documentation, proving that the violation took place.

Chain of transfer

126. The materiel was purchased from a manufacturer in the United Arab Emirates, Caracal International LLC, on behalf of the Supreme Security Committee, by Temax Corporation, a broker company registered in the United States of America (see annex 18). Caracal International LLC is a subsidiary of Tawazun, which is a governmental entity.

127. The Panel requested information from the United States to establish whether an export licence had been issued to Temax, and from Hungary, where its bank account is held. No response has yet been received from the United States. However, Hungary replied, stating that national law did not allow the release of banking information. The Panel wrote again to Hungary, reiterating that the company was in violation of the arms embargo, and that the information was essential to the Panel's investigation. However, a second response was received, maintaining the refusal to supply the information.

Materiel

128. A contract was signed on 18 December 2012 between the broker company and the representative of the Ministry of the Interior of Libya for the transfer of 5,000 Caracal F pistols and 1 million rounds of ammunition.

129. The end-user certificate signed on 12 January 2013 mentions 15,000 Caracal F pistols and 5 million rounds of 9mm ammunition. The end-user certificate was sent to the Libyan embassy in the United Arab Emirates for approval. The embassy contacted Caracal on 6 February 2014 to request the company to terminate the deal, as the Ministry of the Interior was unaware of it. A first batch of 1,500 pistols had already been transferred to the Supreme Security Committee in Mitiga (see air waybill in annex 18). The Panel is endeavouring to establish the status of the remainder of the materiel.

Transportation

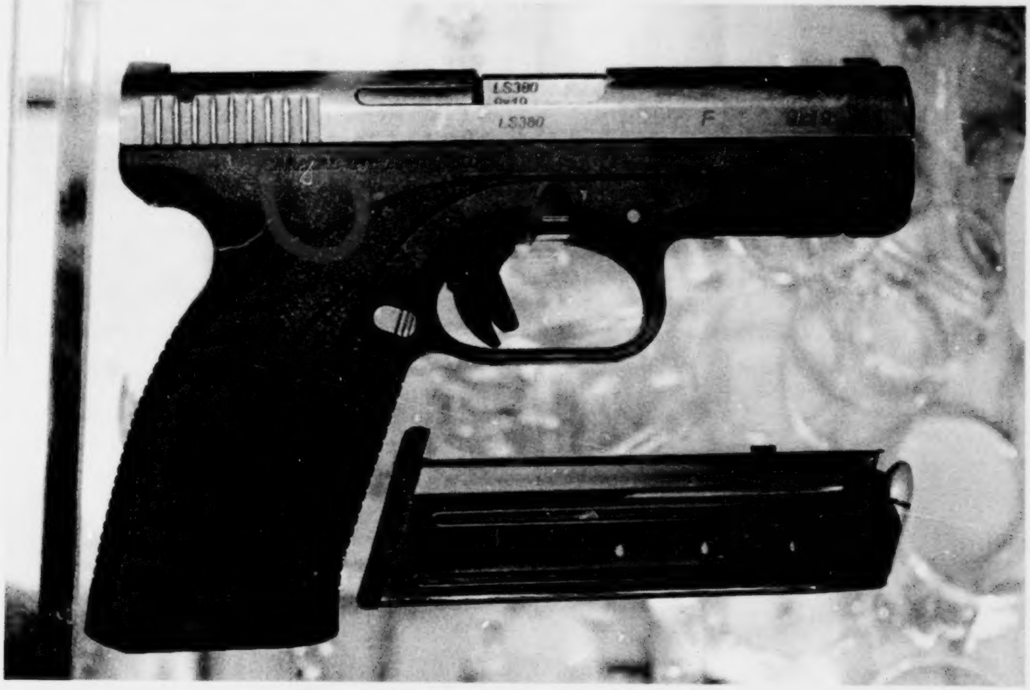
130. The air waybill was issued by Global Aviation and Services Group, a company registered in Libya. The information about the flight states only "5S", which is the

International Air Transport Association code for this company. The carrier agent was Aramex Emirates LLC, based in Dubai. The Panel asked the United Arab Emirates for additional information about the transportation, and awaits a response.

131. In November 2014, Armament Research Services documented a Caracal F pistol used by the owner of a jewellery shop in Tripoli, who purchased it from a Supreme Security Committee officer for $4,000.[41] The Panel submitted a tracing request for this pistol to the United Arab Emirates, asking for the list of serial numbers of pistols transferred to Libya. To date, no response has been received. The Panel also noted the sale of other Caracal F pistols on Facebook for more than $5,000 (each pistol was sold to Libya for less than $400).

Picture I

Caracal F pistol documented in Tripoli in 2013



Source: Armament Research Services, Tripoli, November 2013.

3. Investigations of transfers to the Ministry of Defence (2012 to mid-2014)

132. After the revolution, the procurement of weapons through the various competing channels within the Ministry of Defence has contributed to impeding the reform of the security sector. It has done this by further increasing divisions within the institutions and reinforcing networks established during the revolution,

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[41] Hassan Morajea and Michael Smallwood, "Arms diversion: a Caracal Model F pistol in Libya", Armament Research Services, 13 November 2014. Available from www.armamentresearch.com/arms-diversion-a-caracal-model-f-pistol-in-libya/.

including those under the patronage of some officials who signed the procurement orders.

133. The cases presented below provide a general overview of the issues and challenges relating to the exemption process since its creation, including the procurement of materiel by authorities outside the official military procurement channel; the attraction of the Libyan market to arms brokers of dubious record; the absence of any physical monitoring of deliveries by notifying States, and the resulting risks of diversion and misuse of materiel.

134. Neither of the two transfers detailed below was signed off by the official Military Procurement Department of the Ministry of Defence, which was not aware of them. They were signed by a then Deputy Minister of Defence, and former member of the Libyan Islamic Fighting Group, Khaled Alsharif, who today has clear links to Operation Fajr. Interviews conducted since 2013 with the Military Procurement Department, Ministry of Defence staff and international officials, indicate that Mr. Alsharif was bypassing the Military Procurement Department, and using his position to secure arms deals and provide materiel to security bodies that he favoured. Analysis of notifications submitted to the Committee shows that, between October 2013 and May 2014, five of them included procurement documents signed by Mr. Alsharif for significant amounts of small arms, light weapons and related ammunition.

Notification by Belarus

135. In July 2013, Belarus submitted a notification regarding more than 3,000 tons of ammunition for small arms and light weapons and machine guns for the Ministry of Defence, including 10 million rounds of 7.62x39mm ammunition, 15 million rounds of 7.62x54mmR ammunition, 7.2 million rounds of 12.7x108mm ammunition, 4.25 million rounds of 14.5x114mm ammunition and 3 million rounds of 23mm ammunition. The end-user certificate was signed by Khaled Alsharif and the deal was brokered by Slobodan Tešić through Charso Limited. More information can be found in annex 19.

136. Parts of the materiel notified by Belarus have not only been diverted upon arrival at Tripoli International Airport by brigades controlling it, but some of the deliveries appear to have been made directly to autonomous armed groups.

Diversion of a delivery from Belarus by Zintan brigades

137. Deliveries of the notified materiel began on 6 February 2014, with the first batches being delivered by Trans Avia Export (until May). Further batches were delivered by Ruby Star. Both companies are registered in Belarus. On 28 February 2014, it was reported that one of those deliveries had been stolen at Tripoli International Airport. This was confirmed by a representative of the Ministry of Defence working there, Libyan sources from the aviation sector, international security sources and an eyewitness.

138. From the end of the revolution to 24 August 2014, Tripoli International Airport was controlled by Zintani brigades. According to the eyewitness, the ammunition was offloaded by members of the militias and brought to a military camp near the airport.

139. The Belarus authorities told the Panel that they had received no information about the incident. More than 15 additional flights delivered materiel from Belarus to Tripoli International Airport. This raises the possibility that further shipments may have been diverted by the Zintani brigades and the Panel is still investigating.

Deliveries of notified materiel by Belarus

140. Following the report of the diversion of materiel at Tripoli International Airport and the fact that the Military Procurement Department was not aware of those deliveries, the Panel closely examined the delivery schedule of the materiel through data provided by an official institution. Belarus confirmed that, as at 20 May 2014, 29 flights had taken place, but provided no information regarding the location and the recipients of the deliveries. Flight data indicate that some of them were made to airports that were not under the control of the Government of Libya or groups aligned with them, indicating that autonomous armed groups have benefited from the materiel. For a detailed account, see annex 19.

141. Belarus explained to the Panel that, because of the deteriorating situation, no deliveries had taken place since June. However, the Panel obtained copies of requests for landing by Ruby Star in July and September at airports under the control of Zintan and Karama (see paras. 160 and 165).

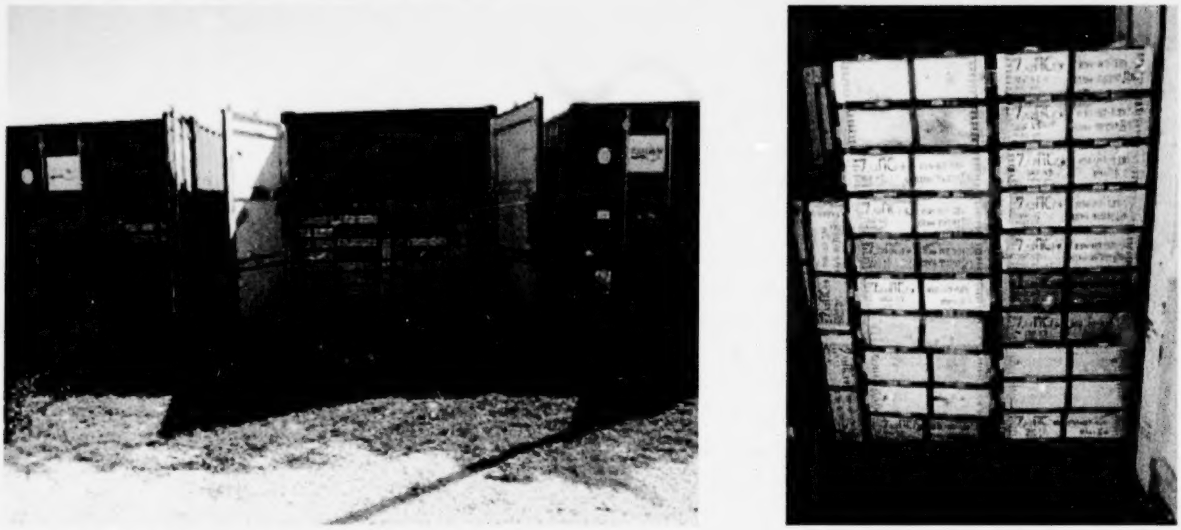
Non-notified transfers from Ukraine

142. In November 2014, the Panel inspected the cargo of the vessel *Nour M*, seized in Greece in November 2013 (see paras. 89-93 and confidential annex I to document S/2014/106 for the full details of the case) and including 55 containers and more than 32 million rounds of ammunition (1,103 tons) for assault rifles and machine guns, on their way to Tripoli. The Greek authorities provided the Committee and the Panel with full information and documentation. The latter indicated that the shipper was UKRINMASH, a Ukrainian State company, the consignee was the Ministry of Defence of Libya and that the deal was brokered by TSS SILAH VE SAVUNMA SANAYI DIS TICARET LIMITED SIRKETT, a Turkish company. The vessel belonged to TSS GROUP TUTUN SIGARA SANAYI VE, another Turkish company. To date, Greece has not commenced any prosecution relating to this case of violation.

143. The note from the Libyan authorities confirming to the Ukrainian authorities that the Libyan authorities were ready to accept the cargo was signed by Khaled Alsharif.

144. At the time of the seizure, the Panel contacted the Military Procurement Department, which explained that it was not aware of the delivery, raising concerns about the end users of the shipment.

Picture II
Ammunition transported onboard the *Nour M*



Source: Panel of Experts, Greece, November 2014.

145. The Panel contacted Ukraine to obtain information about the role of UKRINMASH, details of the payment, and to establish whether final settlement had been made. Ukraine responded that the shipment transported on the vessel *Nour M* was the first portion of goods to be transported to Libya subject to the contract signed between UKRINMASH and TSS SILAH VE SAVUNMA SANAYI DIS TICARET LIMITED SIRKETT in 2013, which had been fully settled. In August 2014, representatives of the Turkish company and the Ministry of Defence of Libya visited Ukraine and the storage facilities where the remaining materiel — assault rifles and ammunition for small arms and light weapons — is kept. No exemption for this materiel has to date been sought from the Committee, and the Panel will contact Ukraine again to seek clarification.

146. The Panel received allegations that Khaled Alsharif and Shaban Hadiya travelled to Ukraine in August 2014 to negotiate arms deals. Ukraine confirmed the visits, adding that "at the same time no special exporters were visited by them in order to conduct negotiations on arms transfers".

147. The Panel also contacted Turkey to obtain more information about the broker company and the company to which the vessels belong, and to establish whether the broker company had requested an export licence from the Turkish authorities for the transfer. The Panel also requested all payments-related information and documentation. Turkey responded that brokering activities had not been regulated and that brokering companies did not need to request permission if the cargo did not touch Turkish soil. Turkey is currently working on aligning its legislation with the relevant provisions of the Arms Trade Treaty (see recommendation 12).

148. Lastly, the Greek authorities also explained that the seizure presented a significant logistical and financial burden, raising the issue of management of seizures

made in accordance with United Nations embargoes and the absence of appropriate United Nations support to dispose of the materiel (see recommendation 10).

Transfers and potential transfers to the air force

149. At the end of the revolution, the Libyan air force fleet was depleted and in crucial need of aircraft, helicopters in particular. The Panel previously reported the transfer of several Sudanese-owned Mi-24 helicopters to the air force (see S/2014/106, para. 85) and is currently investigating the potential transfers of Mi-35 from companies registered in several Member States. More information is provided in annex 19.

Transfers of non-lethal materiel

150. As with arms, ammunition and spare parts, the Panel believes that the transfer of non-lethal materiel such as armoured vehicles and communications equipment should also be subject to approval by the Committee (see recommendation 8). The status of the Panel's investigations can be found in annex 19.

4. Diversion of materiel destined for the European Border Assistance Mission

151. On 16 April, Malta informed the Committee of the loss of 23 assault rifles, 70 handguns and more than 42,000 rounds of ammunition for the protection of the European Border Assistance Mission, for which Malta had requested an exemption on 21 February 2014 for the "sole protection of European Union officials". The end-user certificate had been signed by the European Union delegation to Libya. Results of the investigations indicate that the materiel was stolen at Tripoli International Airport following its delivery and that the militias controlling the airport were very likely responsible. A detailed report of this case can be found in annex 20.

152. With the hasty evacuation of diplomatic missions and international organizations owing to the security situation in Libya, the Panel is concerned about how arms, ammunition and related materiel approved under paragraph 9 of resolution 1970 (2011) or paragraph 13 (b) of resolution 2009 (2011) are currently being managed and controlled.

5. Transfers to the civilian black market

153. Investigations by the Panel and seizures reported by Greece, Malta and Turkey confirm the trafficking trends relating to the civilian black market detailed in the Panel's previous report (see S/2014/106, paras. 60-80). Cases have included mainly shotguns, hunting rifles, handguns, blank pistols and related ammunition which have been very popular in Libya since the revolution (see pictures III and IV). Most of this materiel in Libya comes from Malta and Turkey through the ports of Tripoli, Misrata and Khoms. A detailed update regarding investigations of seizures of shipments in Greece, Malta and Turkey on their way to Libya can be found in annex 21.

Picture III

Blank-firing pistols stall in Rachid Street, Tripoli

Source: Confidential, February 2014.

Picture IV

Shotguns stall, Rachid Street, Tripoli

Source: Confidential, February 2014.

D. Transfers after the launching of Operations Karama and Fajr (May to December 2014)

154. Since the outbreak of the armed conflict in 2014, the demand for weapons, and above all for ammunition, has soared and all parties to the conflict have been highly

active in procuring military materiel. This has significantly increased the number of investigations conducted by the Panel.

155. While the Panel is still seeking conclusive evidence, its investigations indicate that military materiel currently entering Libya is sponsored by a number of Member States. The Panel has also identified that private brokers are actively seeking to secure arms deals. According to information provided by Member States and by other sources, Libyan arms dealers who emerged during the revolution, as well as established international brokers, have been travelling abroad to secure arms deals for the various parties (see recommendation 12). The current section presents the findings of the Panel as at December 2014.

1. Investigations related to Karama, Libyan army and aligned groups

Reinforcement of the arms embargo and transfers of notified materiel

156. In the light of the acute deterioration of the security situation in Libya in July 2014, the Panel wrote to the Committee on 12 August 2014, expressing its view that all transfers of military materiel to Libya should be suspended, and proposed that the Committee should strongly encourage Members States that notified materiel in the past, under paragraph 13 (a) of resolution 2009 (2011), to suspend all deliveries until further notice. On 25 September 2014, the Committee, by a note verbale to all Member States, urged Member States to exercise caution and due diligence with regard to outstanding deliveries of materiel previously notified, and also to inform the Committee of the amount remaining to be delivered. While the Panel is aware of pending transfers of materiel from several Member States, no such information was provided to the Committee, making monitoring of deliveries of materiel very challenging. The Panel is therefore seeking to build an overview of the current status of notifications and has contacted several Member States to that end.

157. The Panel welcomed the adoption of Security Council resolution 2174 (2014) and the provision that strengthens the arms embargo by replacing the notification procedure with a requirement for approval from the Committee for the supply, sale or transfer of arms and related materiel, including related ammunition and spare parts. The Panel is of the view that this mechanism should also be applied to the provision of non-lethal materiel (see recommendation 8).

158. In the past six months, the Libyan army and aligned groups have been actively seeking to procure military materiel and the Panel received significant intelligence from Member States, Libyan and international sources regarding arms deals that have been secured or that are still being negotiated. During a television interview on Tripoli Channel in December 2014, air force commander Geroushi confirmed the allocation by the House of Representatives of a budget of LYD 150 million for the Libyan army's materiel requirements and that the next budget allocation would be LYD 1 billion.

159. To date, while several Member States have enquired about the approval process, including for very large orders, indicating that the Libyan army is seeking to procure materiel, no request for exemption has been made to the Committee.

Deliveries of previously notified materiel

160. On 26 August 2014, the Committee received a request for guidance from a Member State concerning an overflight request from Belarus for flights carrying

ammunition destined for the Ministry of Defence of Libya. The documents provided indicated that 20 flights would be operated between 31 August and 21 September, which amounts to more than 900 tons of ammunition. The request from Belarus stated that a notification for the materiel had been submitted to the Committee.

161. The Panel conveyed its concerns to the Committee and highlighted the then-already escalated status of the armed conflict, the unclear identities of the end users and the high risk of diversion and misuse of the materiel by warring parties. The Panel also explained that the airport of destination, Labraq, had been under attack on 25 August 2014, indicating that fighting was continuing in the area.[42] Lastly, the Panel reported that it had met representatives of the Military Procurement Department in July 2014, who had indicated that they had not been aware of any deliveries from Belarus.

162. The Committee wrote to Belarus and the enquiring Member State, asking them to exercise caution. In their last letters to the Panel, Belarus mentioned that no deliveries had taken place since June 2014, and the enquiring Member State stated that the overflight licence had not been granted.

163. A senior representative of the Government of Libya conveyed to the Panel in late 2014 that the Libyan army urgently required materiel in order to "combat terrorism", but the Government was facing great difficulties in obtaining military materiel.

Transfers of materiel to the air force

164. The Panel has noted a significant increase in the capacity of the air force in the past few months, both in terms of geographical spread of aerial operations (see maps in annex 22), and the number and type of aircraft used. While some of the aircraft have been refurbished in Libya, it appears that some aircraft and spare parts have been obtained from abroad. Information collected by the Panel indicates that new aircraft, although obtained second-hand from third countries, have been incorporated into the Libyan fleet, including MiG-21MF, Mi-8 and Sukhoi warplanes. For example, the commander of the air force declared that the air force had received Sukhoi warplanes, and that Libyan pilots were currently being trained.[43] The Panel recently wrote to the Russian Federation to ask whether it could assist the Panel to determine from where these aircraft and spare parts have been procured.

Potential non-notified transfer from Belarus to Ghadames

165. In July 2014, the Panel received information regarding potential transfers of arms from Belarus to Ghadames airport, which was then under the control of Zintani groups. This included a letter from the Libyan Civilian Aviation Authority to the Ministry of Defence about the delivery of a field hospital and medical equipment for

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[42] "Rockets strike lifeline airport in eastern Libya", Reuters, 25 August 2014. Available from http://af.reuters.com/article/commoditiesNews/idAFL5N0QV19A20140825.

[43] For example, in his televised appearance on Tripoli Channel on 22 December, Geroushi confirmed that the Libyan air force had received a number of Sukhoi 27 to be used in air strikes. On 20 August 2014, air force commander Geroushi reportedly stated that the Sukhoi 24 used in battle had been serviced in the Russian Federation. On 2 December 2014, on Libyan national television, it was reported that Russian Sukhoi aircraft were to enter the battle and that air force commander Geroushi had said that a Sukhoi 22 had already entered service.

the border guards of the Ministry. It requested landing authorization for two aircraft operated by the Belarus airline Ruby Star, on 24, 26, 28, 29, 30 and 31 July 2014 (see annex 23). Ruby Star is the company that has been delivering significant consignments of the materiel notified by Belarus and Serbia, all brokered by Charso Limited. According to the Panel's source, a representative of the Ministry approved those deliveries.

166. A Libyan aviation expert told the Panel that one flight took place on 24 July 2014, delivering arms and ammunition. The Panel also contacted a worker at Ghadames airport but he did not want to express himself on the matter. The Panel is still investigating the case.

Alleged transfers of military materiel from the Egyptian authorities

167. Interviews with Libyan officials, representatives of intelligence services and diplomats indicate that Egypt has been supporting the House of Representatives in Tobruk, including through the transfer of military materiel to Karama and/or the Libyan army. In addition, the Panel noted a statement by a Pentagon spokesperson[44] and media reports regarding the involvement of Egypt in airstrikes operated in Libya in August 2014.

168. In October 2014, the offloading of weapons and ammunition by an Egyptian vessel in the military section of the port of Tobruk was reported by various local and international media. The Panel investigated the matter and enquired with confidential sources based or located in Tobruk at the time of the offloading. These sources received direct confirmation from Karama officers and workers at the harbour that the vessel had docked there and that military materiel, including small arms and light weapons, was offloaded.

169. The same sources also confirmed that a convoy of military materiel had been transferred from Egypt to Libya under the protection of Karama officers in the third week of September 2014.

170. During its meeting with the authorities in Cairo in December 2014, the Panel requested clarification about the allegations. The Egyptian authorities denied that any transfers of military materiel had been made to Libya.

171. Lastly, a number of new aircraft in use in the Libyan air force, including some whose features appear to be consistent with aircraft used by the Egyptian air force, such as some MiG-21MF aeroplanes and a Mi-8 helicopter. For example, the identity features of the Mi-8 helicopter (tail number, flag and roundel, see picture V) were obviously concealed on purpose and painted over, but the locations of these exactly match those of Egyptian aircraft. The Panel also notes the very distinctive colour used by Egyptian aircraft, the Indian numerals for the tail number (while Libyan aircraft use arabic/Western style numerals) and more than 10 other features that are distinctive to Egyptian Mi-8 helicopters (see figure I and table 1). The Panel wrote to Egypt asking whether Egypt had ever transferred the Mi-8 helicopter to Libya. In its response, Egypt stated that it had not provided Libya with any Mi-8 helicopters nor any MiG-21MF aeroplanes. However, the Panel concludes from the analysis above that this Mi-8 helicopter is originally from the Egyptian fleet.

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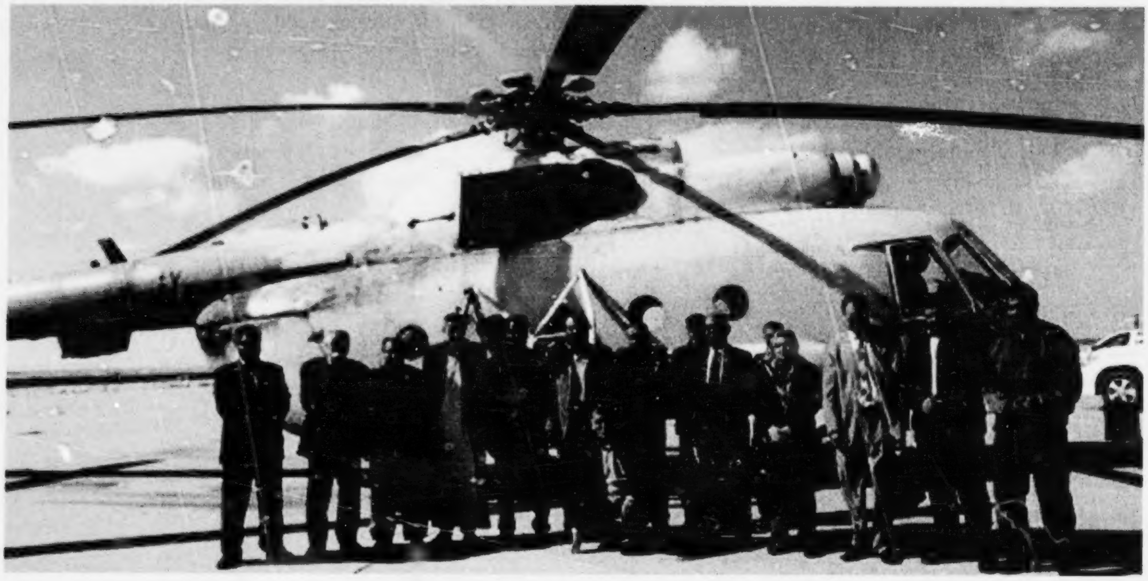
[44] "Pentagon: Egypt, UAE attacking Islamists in Libya differs from US bombing ISIS in Iraq", CNSNews.com, 26 August 2014. Available from http://cnsnews.com/news/article/patrick-goodenough/pentagon-egypt-uae-attacking-islamists-libya-differs-us-bombing-isis.

Picture V

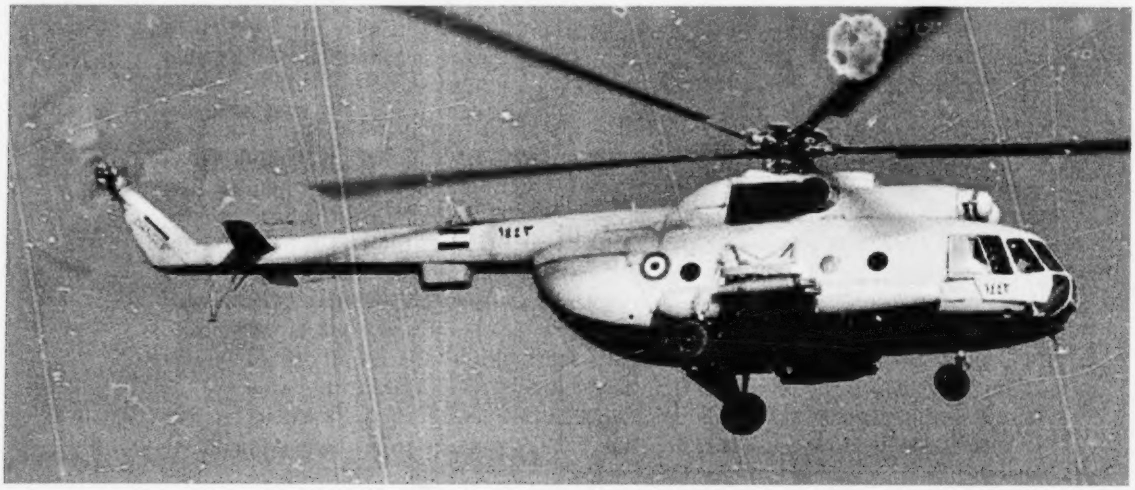
Mi-8 helicopter in use in Libya whose roundel, flag and part of the tail number were painted over (see aircraft at the bottom of figure I)



Source: Qurynanew, Tobruk, 5 November 2014. Members of the House of Representatives and of the Crisis Committee of Tobruk municipality are posing in front of the helicopter that took them from the naval base in Tobruk to Al Bayda.

Picture VI

Egyptian Mi-8 helicopter tail number ١٤٤٣ (1443) — picture taken in Egypt (see aircraft at the top of figure I)



Source: Milspotters (www.milspotters.nl/forum/viewtopic.php?f=19&t=6909).

Figure I

Comparison between the Egyptian Mi-8 helicopter bearing tail number ١٤٤٣ (1443) — see picture VI — and an Mi-8 helicopter documented in Libya (see picture V) with tail number partly painted over but finishing by ٤٧ (see also annex 24)

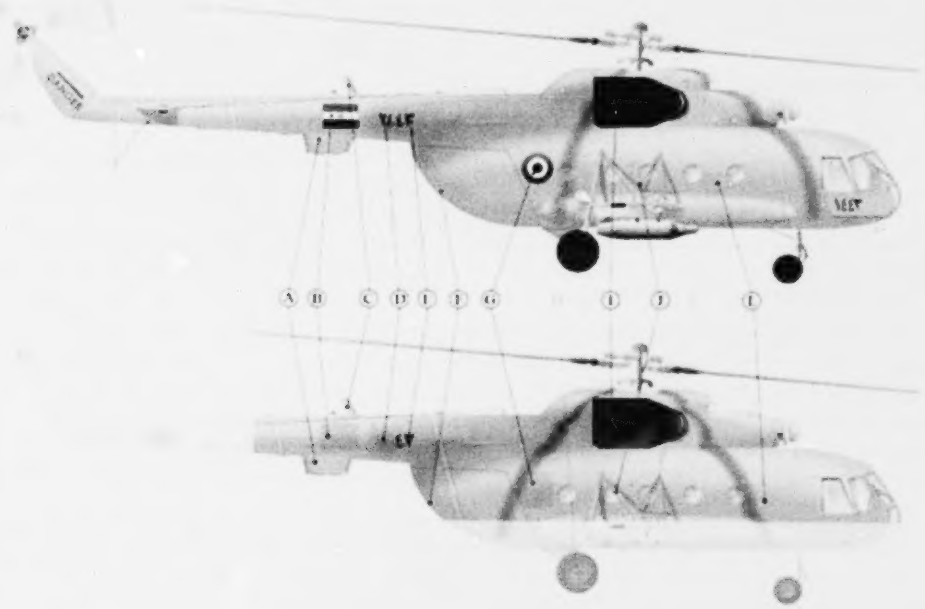


Table 1

Summary of visible distinguishing features of Egyptian Mi-8 found on both helicopters

A	Light grey under surface ("belly")
B	Position of Egyptian flag; this position is painted over on the helicopter documented in Libya
C	Similar VHF antenna
D	Location of the tail number (military serial number) at the tail root, typical location for Mi-8 helicopters in Egyptian service; at this location an over-painted spot is observed on the helicopter documented in Libya
E	Four-digit Indian numerals, typical for Mi-8 helicopters in Egyptian service; the helicopter documented in Libya also carries Indian numerals, while "indigenous" Libyan Mi-8 helicopters are marked in arabic numerals (Western style)
F	Low dividing line between grey bottom surface and top camouflage surface

G Location of the Egyptian air force roundel (nationality marking), which has been observed as painted over spot on the helicopter documented in Libya. On the same helicopter the new Libyan roundel has been hand painted over the painted over spot (see annex 24)

H Olive-coloured rims

I Square exhaust mask surface, typical for a certain batch of Egyptian air force Mi-8 helicopters

J Support frame for weapon racks, typical for an Mi-8T helicopter; the Libyan air force never employed Mi-8 helicopters equipped with these weapon racks (see annex 24)

K Weapon racks with 2x2 hard points, which can carry UB-16 57mm rocket launchers, or light bombs as the ZAB-100, observed on the helicopter documented in Libya

L Uniformly (one-tone) sand colour as top surface camouflage; this is a typical camouflage colour for all Mi-8 helicopters in Egyptian service, and is also applied on Chinook and Commando helicopters operational with the Egyptian armed forces

Alleged transfers of military materiel by the United Arab Emirates

172. Several media reports and a statement from a Pentagon spokesperson alleged that military aircraft from the United Arab Emirates had conducted strikes in Libya in August 2014.[45] A Libyan official from each side of the political divide, diplomats and intelligence services representatives confirmed to the Panel that the strikes had indeed taken place. During its visit to Abu Dhabi in September 2014, the Panel raised the matter with United Arab Emirates officials, who denied the allegation.

173. Furthermore, the Panel was provided with information regarding flights operated by Veteran Avia[46] in October and November 2014, from Al-Minhad Military Air Base in the United Arab Emirates to Tobruk, which had allegedly transported military materiel. The Panel contacted the United Arab Emirates and Jordan, where a number of these flights stopped on their way to or from Libya, requesting further information. While Jordan responded that it "did not detect any entry of a United Arab Emirates aircraft to Jordan that was destined to Libya", the United Arab Emirates authorities have not responded to the Panel's letter.

174. In September 2014, the Panel also received an allegation regarding the deliveries of military materiel by chartered aircraft, operated by a company registered in Pakistan, between Belgium and the United Arab Emirates, to various airports in Libya, including those controlled by Fajr-aligned groups. The Libyan-based handling company was Global Aviation, a company that has previously breached the arms embargo (see para. 130). A number of the cargo manifests obtained by the Panel included suspicious items, and the Panel contacted those Member States from where the flights originated to request additional information. Belgium responded that it was aware of the flights, but that the inspection conducted

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[45] See, for example, David D. Kirkpatrick and Eric Schmitt, "Arab nations strike in Libya, surprising U.S.", *New York Times*, 25 August 2014, available from www.nytimes.com/2014/08/26/world/africa/egypt-and-united-arab-emirates-said-to-have-secretly-carried-out-libya-airstrikes.html?_r=0; "Pentagon: Egypt, UAE attacking Islamists in Libya differs from US bombing ISIS in Iraq", CNSNews.com, 26 August 2014.

[46] Veteran Avia was added to the list of entities on the United States *Federal Register* in 2014.

of one aircraft had not revealed any embargoed goods. The response of the United Arab Emirates is still pending and the Panel is continuing its investigations.

2. Investigations relating to transfers to Fajr

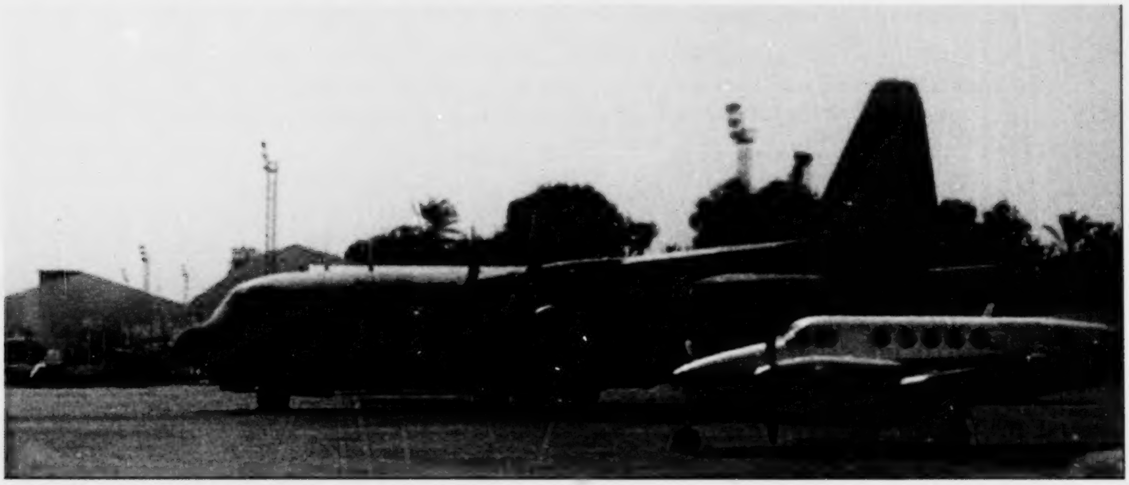
Transfers of military materiel by the Sudan

175. The Panel previously reported several violations of the arms embargo by the Sudan during and after the revolution. Current transfers appear to mirror the modus operandi and involve the same actors as in illicit deliveries by the Sudan during the revolution. A summary of the violations can be found in annex 25.

176. Since the outbreak of the conflict in 2014, the Sudan has been transferring military materiel to Libya in violation of the arms embargo. Interviews with knowledgeable Libyan and foreign sources indicate that the Sudan has been supporting armed groups aligned with Fajr Libya, including through the transfer of military materiel by air to Mitiga airport, which those groups have controlled since the revolution.

177. The arrival of Sudanese military C-130 aircraft was reported on several occasions on social media platforms during the past six months; eyewitnesses confirmed the presence of Sudanese military aircraft at Mitiga airport in July 2014 and in October 2014. The Panel wrote to the Sudan to obtain more information about the military flights that it operated but has received no response.

Picture VII
Sudanese C-130, Mitiga airport, October 2014



Source: Confidential.

178. Aeroplanes landing in Kufra, transporting materiel for onward transfer to Mitiga or Misrata, were also reported by Libyan and foreign sources. On 6 September 2014, the Government of Libya made a statement about the interception of a Sudanese aircraft while refuelling in Kufra en route to Mitiga airport. According to the statement, the aircraft's cargo of military materiel had not been approved by the Government of Libya (see annex 26). The following day, an

official statement published by the Ministry of Foreign Affairs of the Sudan confirmed the incident and stated that "this plane remained making regular trips to supply the joint Sudanese-Libya forces with food materials and ammunition", but that the aircraft had not gone to Mitiga.[47] The Panel immediately informed the Committee about this, since no exemption from the arms embargo had been sought for these transfers. The Committee subsequently sent a letter to the Sudan.

179. The Panel met the Permanent Representative of the Sudan to the United Nations on 17 September 2014, who confirmed the information released in the Sudanese statement. On the same day, the Permanent Representative wrote to the Committee to provide additional information: it was stated that the provision of military materiel had been made in line with the Joint Military and Security Cooperation Protocol signed between the Sudan and the Libyan Defence Minister, Abdullah Al-Thinni, in August 2012. The Panel notes that Mr. Al-Thinni was not in office in 2012. The letter also explained that an Antonov 74 aircraft had delivered "logistical military supplies" after receiving clearance from the Libyan authorities, namely Colonel Suleiman Hamid Hassan, head of the "Kufra Operations Group". The Committee contacted the Sudan and Libya to seek clarification about the type of military materiel involved; however, to date, no responses have been received.

180. The Panel also wrote to the Sudan to obtain additional information, including about the number of deliveries of materiel made since 2011, and requesting a visit to Khartoum. However, despite an oral confirmation for the visit by the Permanent Representative of the Sudan to the United Nations, no official response has yet been provided. The Panel also contacted Colonel Suleiman Hamid Hassan, who explained that the Joint Border Force fell under the control of the Ministry of Defence of Libya, and that the force had received only non-lethal assistance from the Sudan. This contradicts the information provided by the Sudan on 17 September.

181. Lastly, the Panel also received credible information regarding Libyan-owned aircraft transporting military materiel from the Sudan to Misrata airport. However, up to the time of writing, the Panel has not been able to independently confirm this information.

Alleged transfers of military materiel from Qatar

182. During the revolution, Qatar maintained involvement in Libya, including through the provision of financial and logistical support, as well as weapons, to a number of opposition groups (see S/2012/163, para. 95, and S/2013/99, paras. 59-73).

183. Specifically, interviews with Libyan officials, representatives of intelligence services and foreign diplomats indicate that Qatar has been supporting Fajr-aligned armed groups with weapons and funding. The Panel is currently investigating the allegations, including official flight control data relating to a Qatari military flight to Libya that took place in 2014. The Panel has written to Qatar about reported flights to areas controlled by groups aligned with Fajr and asked that additional information be provided, including the dates, locations and cargo manifests for the flights. However, to date no response has been received.

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[47] Sudan, Ministry of Foreign Affairs, "Sudan affirms its keenness for security and stability in Libya", 7 September 2014. Available from http://mofa.gov.sd/new/en/more.php?main_id=6&sub_id=0&id=3655.

Alleged transfers of military materiel from Turkey

184. The Panel received information regarding the transport of military materiel on a regular commercial passenger flight operated by Afriqiyah on 17 September 2014 from Istanbul to Tripoli. The Panel interviewed a passenger from the flight who confirmed that he saw boxes of military materiel being unloaded from the aeroplane. A typical Airbus A320 can accommodate 150 passengers, but the witness explained that, in total, only 15 bags were unloaded from the aeroplane. When passengers protested about their luggage being left behind in Istanbul, the militia, controlled by a well-known Fajr commander and overseeing the unloading of the boxes, ordered them to leave the airport.

185. The Panel also received information regarding a flight operated by another Libyan air carrier on 13 November 2014 from Istanbul to Misrata, allegedly transporting military materiel. The Panel wrote to Turkey, requesting the relevant cargo manifests. The Panel also asked Turkey whether it had prevented any other attempts to transport military materiel from Turkey to Libya in 2014. Turkey confirmed that the flights took place and stated that it had requested the cargo manifests from its customs authorities.

186. Investigations related to alleged transfers by sea to Fajr can be found in annex 25.

3. Investigations relating to transfers to terrorist groups

187. The Panel's investigations into potential transfers of materiel to terrorist organizations in Libya from abroad have made little progress. The Panel has not been able to visit the country since July 2014 and was not able to identify credible sources abroad with access to the actors involved. Moreover, an analysis of information released by groups, such as Ansar al-Sharia, indicates that they are seeking and successfully procuring materiel mainly from within Libya, including through seizures of materiel from other armed actors. For example, a wide range of military materiel controlled by Karama forces, including man-portable air defence systems and armoured vehicles, were seized by Ansar al-Sharia when it took control of the Sa'iqah Thunderbolt camp in Benghazi in July 2014.

E. Financing of armed groups

188. Pursuant to paragraph 9 of Security Council resolution 1970 (2011) and in accordance with both paragraph 13 of Security Council resolution 2009 (2011) and paragraph 10 of Security Council resolution 2095 (2013), the Panel began investigation into the financial support of armed groups, especially in the light of the adoption of Security Council resolution 2174 (2014) on 27 August 2014, which includes additional designation criteria concerning acts that threaten the peace, stability or security of Libya. Any type of support to the military activities of armed groups will have a further negative impact on the precarious security and humanitarian situation of Libya.

189. All sources interviewed by the Panel concur that militias and their leaders are well financed. They have multiple sources of income and the amounts mentioned are often very large. This is one of the factors explaining the ease with which militias can recruit and procure military materiel.

1. Government salaries and revolutionary bonuses

190. The biggest source of finance for armed groups is Libyan public funds (see recommendation 9). Many of the armed groups involved in the fighting remain nominal members of the army, the police or one of the many parallel units operating under the Ministry of the Interior and the Ministry of Defence, and potentially the Ministry of Justice. Regardless of whether such armed groups were allied to Karama, Fajr, the Benghazi Revolutionaries Shura Council or Zintan, and notwithstanding that they were fighting one another, many continued to receive monthly salaries throughout 2014. Often, armed groups or parallel units would also request lump sums for vaguely defined purposes. In addition to interviews with Libyan officials, the Panel also received several documents that appear to confirm those practices (see annex 27).

191. In addition to salaries, since 2011, many militias received "bonuses" or "grants" for participating in the revolution and "integrating" into Libya's post-revolutionary security apparatus (see annex 28). The Panel obtained documentation showing that by April 2014, more than LYD 250 million had been transferred to revolutionary brigades, distributed by the Ministry of Defence (see annex 29).

2. Income from criminal activities

192. To complement State funding, armed groups have frequently engaged in criminal activities, in some cases probably also for personal gain. The Panel received many allegations of militia involvement in kidnappings for ransom. According to witnesses, ransoms varied from LYD 100,000 to LYD 1,000,000. The Panel received a detailed account of a victim who was held hostage by the commander of the Benghazi Revolutionaries Shura Council, Wissam Bin Hamid, to be exchanged for a large sum of money.

193. Many of the abductees end up in detention facilities where they sometimes remain for years. Militias running "official" prisons receive funding from the Ministry of Justice for the prisoners' subsistence costs. However, several family members of detainees explained to the Panel that they were obliged to pay militias extra, because either the public funding was not sufficient, or the militias used it for other purposes. In some of the facilities, LYD 100 per month is a common amount. In the case of the Tomina facility, a relatively small prison (between 100 and 150 prisoners), the monthly "income" would amount to approximately $10,000.

194. In addition, the Panel received credible allegations that militias have been responsible for some of the frequent cases of armed robberies on banks and cash transports. Former well-connected inhabitants of Sirte, for example, alleged that a commando group of Ansar al-Sharia carried out the infamous October 2013 armed robbery amounting to $54 million from a Central Bank cash transport in their home town. Bank robberies were also frequent in 2014, especially in greater Tripoli but also in Sirte and Sebha (see map in annex 31). Conflict event data show at least six instances in which more than LYD 1 million (the equivalent of $750,000) was stolen. Attackers were frequently equipped with assault rifles and rocket-propelled grenades (see annex 30).

195. The Panel interviewed several professionals working on the issue of illegal migration to Europe via the Mediterranean Sea. They stated that the transnational

networks organizing the human trafficking had agents embedded within the Libyan armed groups controlling territory along the smuggling routes. The armed groups provide access and help secure those operations in exchange for a fee. Most of the illegal immigrants are picked up from unseaworthy vessels by the Italian navy and coast guard. The role of Libya in the illegal immigration is pivotal. Italian officials explained to the Panel that, of 167,184 immigrants rescued at sea in 2014, 141,484, or 85 per cent, had left from the Libyan coast.

196. The human trafficking "business" generates considerable income. The migrants, mainly from West Africa and the Horn of Africa, have to pay traffickers for the stages of their voyage. Migrants debriefed in Italy explained that the prices for the last leg alone, the boat "crossing", ranged between $800 and $2,000, depending on sea conditions, vessel type, port of departure and "travel class". This means that, for an average price of $1,200 per migrant, the last part of the smuggling chain generated a total turnover of almost $170 million in 2014. Most illegal migrants leave from the western coastline of Libya. The Panel has not been able to confirm the names of militias and militia leaders involved, but continues to investigate the matter.

197. On a related issue, armed groups control several important border crossings and entry points, allowing them to take percentages on ongoing trade and smuggling operations, including of drugs, arms, commodities and fuel. Lastly, the Panel has already discussed several cases of looting of public and private buildings following military operations.

3. Financing or other support by patrons

198. The Panel has received several allegations about "wealthy" individuals providing financial support to armed groups, including through money-laundering abroad. Recorded and documentary evidence shows that large amounts of cash and gold were suddenly "available" to militias during the 2011 revolution, often from former regime supporters (see annex 32). The Panel is investigating these cases and will report on them in due course.

F. Arms transfers from Libya

199. In accordance with the word limit on reports of monitoring mechanisms, the Panel decided to include full investigations and findings relating to this section in annex 33. However, it contains important findings of the Panel, including detailed cases of violations, and should be read for a full understanding of the issue of proliferation outside Libya.

200. The research of the Panel indicates that, despite the very high demand in Libya, weapons and ammunition are still being proliferated outside the country. Under this mandate, the Panel visited Chad, Egypt, the Niger, Tunisia and the Syrian Arab Republic, countries that have been affected by the proliferation of weapons since the beginning of the Libyan uprising.

201. Information gathered indicates that arms originating from Libya have significantly reinforced the military capacity of terrorist groups operating in different parts of the region, including in Algeria, Egypt, Mali and Tunisia in particular. Arms trafficking is only one visible symptom of the development of

cooperation between Libyan groups and regional terrorist entities over the past few years.

202. **Transfers through western borders**. Weapons trafficking to Algeria and Tunisia has continued during the mandate. The Tunisian authorities told the Panel that most military materiel used in terrorist activities came from Libya.

203. **Transfers through eastern borders**. Egypt continues to be among the primary destinations for Libyan weapons. Transfers to Gaza through Egypt are also continuing. While the Syrian Arab Republic was a significant destination for Libyan arms during the first two years of the conflict, that trend appears to have faded in the past 12 to 24 months.

204. **Transfers through southern borders**. Several arms-trafficking networks have established themselves in the south of Libya since the revolution, continuing to draw on stockpiles diverted during and after the revolution.[48] This guarantees sustained proliferation outside the country, particularly towards southern Algeria, the Niger, Chad and the Sudan.

205. With the absence of State control over the south of Libya since the revolution, and the development of regional terrorist groups in the region, concerns have been growing about the southern region becoming a strategic zone for terrorist groups in the Sahel, especially in terms of training, funding, rest and recuperation, recruitment and acquisition of military materiel. Materiel coming from Libya and destined for terrorist groups in Mali was seized or destroyed on several occasions in 2014 in the Niger by the French-led Operation Barkhane.

206. Lastly, while several seizures have been reported in the media and by other sources in Western Europe, the Panel has not been able to find any evidence to corroborate this information to date; however, it will continue to investigate this developing trend.

V. Implementation of the travel ban

207. In paragraphs 15 and 22 of its resolutions 1970 (2011) and 1973 (2011), respectively, the Security Council imposed a travel ban on individuals designated by the Council or the Committee, with exceptions pursuant to paragraph 16 of resolution 1970 (2011). A number of Qadhafi family members and inner circle allies are subject to the travel ban. The Libya Sanctions List, as updated on 26 September 2014, contains the names of 20 individuals (5 subject solely to the travel ban and 15 subject to the travel ban and the assets freeze).

208. It has come to the Panel's attention that the status of several other designated individuals has changed or is incorrect. Of the 20 individuals originally named in the travel ban, 6 are deceased, 5 are currently in Libya (4 of whom are confirmed detained), 5 are in other countries and the whereabouts of 4 individuals remain unknown.

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[48] For a detailed analysis of smuggling networks in the Fezzan, see Rafaa Tabib, "Factions armées et dynamiques des réseaux de contrebande d'armes dans le Fezzan occidental", Small Arms Survey (forthcoming).

209. On 19 May 2014, the Panel wrote to Libya requesting details of any known update to the Sanctions List, and asking for any available biometric details of the designated individuals that would assist Member States to identify them. No response has been received to date.

210. Saadi Qadhafi is shown on the Sanctions List as residing in the Niger. Reportedly, he was extradited from the Niger in March 2014, and is currently in custody in Libya while undergoing trial. His presence in custody in Libya has in the meanwhile been confirmed to the Panel by several sources. The Panel has information from several sources that Abdulqader Mohammed Al-Baghdadi is deceased. Quren Salih Quren Al-Qadhafi is currently in Egypt. The Sanctions List therefore requires further updating (see recommendation 5).

211. During the mandate, the Panel discovered that Safia Farkash Al-Barassi, designated under the travel ban and assets freeze, had travelled to Oman from Algeria. No exemption request or notification was received by the Committee. This represents a lack of compliance with the travel ban by Ms. Al-Barassi and by Oman.

212. A separate enquiry revealed a different name for Safia Al-Barassi, a date of birth and an Omani passport number. The Panel recommends that the Sanctions List be updated with the additional information (see recommendation 5).

213. Quren Saleh Quren Al-Qadhafi, an individual designated under the travel ban measure, informed the Panel in an interview that in 2011 he had travelled from Libya to Algeria, from there to Morocco, and from Morocco to Egypt. No notifications or exemption requests were received by the Committee in relation to the travel, which therefore represents a lack of compliance with the travel ban by Quren Al-Qadhafi, Algeria, Morocco and Egypt. In response to letters from the Panel, Egypt stated that the passport that he had used to enter had a different name from that recorded on the list. Morocco denied that he had entered the country using the name listed. The Panel recommends that the Sanctions List be updated with the name on his passport (see recommendation 5).

214. Full details of the above cases, together with updates to the investigations into potential travel ban violations by other designated individuals, and details of an interview with Aisha and Mohammed Qadhafi in Muscat, can be found in annex 34.

VI. Implementation of the assets freeze

A. General overview

215. There was little progress on the effective investigation and recovery of "stolen assets" by the Libyan authorities. Ongoing efforts are not helped by the many changes in personnel, including the replacement of the Attorney General in July 2014. Discussions held by the Panel with the previous Attorney General indicated his dissatisfaction with the fractured organs established to achieve their recovery, and a distrust of the various private companies engaged to identify and recover such assets.

216. Panel enquiries indicate that, while there are very likely to be large amounts of assets held under false names and by front-companies around the world, there is also a considerable amount of speculation and uninformed comment as to the quantities and locations of those assets. It is important to reiterate that the recovery of assets

by the Government of Libya can be achieved only where those assets are not owned or controlled by individuals designated under the asset freeze measures, until such time as a competent court establishes that those assets are unlawfully held, and therefore not the property of those individuals, thus not subject to the assets freeze.

Designated entities

217. Under the provisions of paragraph 13 of Security Council resolution 2095 (2013), while maintaining the assets freeze as imposed by resolutions 1970 (2011) and 1973 (2011) and as amended by resolution 2009 (2011), the Council required the Committee to continuously review the remaining asset freeze measures imposed by those resolutions and, regarding the Libyan Investment Authority and the Libyan African Investment Portfolio, to delist them as soon as practical to ensure that their assets are used for the benefit of the Libyan people.

218. Those assets belonging to the designated entities that were frozen prior to 16 September 2011 should still be frozen, subject to the intention of the Council that they should be unfrozen and returned for the benefit of the Libyan people as soon as possible. Given the current political and security situation in Libya, it is the opinion of the Panel that these assets should remain frozen until such time as political stability is achieved, and that the assets can be safely returned to the Libyan people.

219. In December 2014, the former Chief Executive Officer of the Libyan Investment Authority, who had been dismissed by the former Prime Minister, Ali Zeidan, confirmed to the Panel that he had been appointed as Chief Executive Officer of the Libyan African Investment Portfolio. He emphasized that the board that appointed him had been established in April 2014, prior to the current unrest, and that media reports of his having taken over by force were completely untrue.

220. The incumbent head of the Libyan African Investment Portfolio, however, continues in his appointment under the House of Representatives, and operates with his team from an office in Malta.

221. This reinforces the need for the assets mentioned above to remain frozen until a unified and stable government structure is in place (see recommendation 14).

B. Implementation challenges

222. As previously reported, the Panel has discovered that there is a general lack of capacity to freeze assets in accordance with United Nations asset freeze measures that are not linked to terrorism, owing to lacunae in national legislation in some regions. This situation appears to be widespread, and represents a serious barrier to the effective implementation to all such United Nations measures, including those pertaining to Libya.

223. Details of the Panel's investigations into this situation in various Member States can be found in annex 35.

224. The Panel therefore recommends that the Council encourage Member States with relevant capacity to provide assistance to Member States that lack the legal capacity to implement the assets freeze, as a consequence of a lack of domestic legislation (see recommendation 15).

1. Exemptions to the assets freeze

225. Member States may submit requests or notifications to the Committee in the event that they wish to use any of the exemptions listed therein. There has been only one notification under paragraph 19 (a) of resolution 1970 submitted to the Committee during this mandate.

2. Requests for guidance

226. In May 2014, a law firm acting for a Bermuda-based asset management company contacted the Panel asking for guidance. The company was seeking a licence to manage funds beneficially owned by a designated entity, the Libyan Investment Authority, in order to fulfil its fiduciary responsibility, that is to say, protect the investment and maximize its returns, whilst ensuring that the funds were not available for the benefit of the designated entity, in accordance with the asset freeze measure.

227. Licences to so manage other portions of these assets had been successfully obtained in other jurisdictions, but the authorities in the Bahamas appeared to be unaware of the proper procedures, and so the licence was not granted, causing a deterioration of the assets frozen.

228. While it is a matter for each Member State to decide on the granting of licences, the circumstances indicated that the failure to grant a licence in this case was not as a result of the quality of the application, but rather an inability to effectively manage the procedures. Accordingly, the Panel sent a letter to the Chair of the Committee, suggesting that the Government of the Bahamas follow the procedure contained therein. Subsequently, a letter to that effect was sent to the Bahamas by the Chair of the Committee recalling the relevant exemption procedures.

C. Update of ongoing investigations and enquiries

229. Investigations continue into actual and potential violations of the assets freeze connected to Saadi and Hannibal Qadhafi and Abdulla Al Senussi. Useful information has been provided by several Member States in the form of financial and company records, and these are being analysed. The Panel is confident that important evidence will be discovered, which will identify further assets that should be frozen in accordance with the measures.

230. As previously reported, there appear to be a number of attempts on the part of some companies to fraudulently represent themselves as agents of the Government of Libya, with a mandate to recover "looted" Libyan assets. This trend has continued, and the Panel has identified further attempts, in particular with regard to assets that should be frozen, that are alleged to be in South Africa.

231. Full details of the various investigations can be found in annex 36.

VII. Implementation of sanctions on designated vessels

232. With the adoption of resolution 2146 (2014), the Security Council broadened the Panel's mandate. The resolution stipulates that the Panel should monitor the implementation of sanctions on designated vessels attempting to illegally export crude oil from Libya. This includes measures such as the prohibition to provision these vessels or to allow them to dock.

A. Libyan focal point

233. According to paragraph 3 of Security Council resolution 2146 (2014), a focal point within the Government of Libya should inform the Committee of any vessels transporting crude oil illicitly exported from Libya. The Libyan authorities appointed a focal point consisting of two officials, one from the National Oil Company and one from the Ministry of Transport. The Panel reported this appointment to the Committee. The Panel met both officials on 7 July 2014 in Tripoli to establish a working relationship and discuss practical aspects of the resolution.

B. Context of the measures

234. The Security Council adopted resolution 2146 (2014) on 19 March 2014, shortly after an oil tanker exporting crude oil from the Barqa Council-controlled port of Sidra had broken through a Libyan navy blockade. The *Morning Glory*, sailing under the flag of the Democratic People's Republic of Korea, was carrying 234,000 barrels of crude oil. Following the revocation by the Democratic People's Republic of Korea of its flag, it was seized by special forces of the United States of America off the coast of Cyprus and returned to Libya.

235. Although the event dated from before the adoption of resolution 2146 (2014), the Panel decided to investigate the case in order to gain knowledge of the networks organizing these illegal exports, as well as their modus operandi.

C. Case of the vessel *Morning Glory*

236. The cargo manifest and other relevant documents of the *Morning Glory* show that the smuggling network may have links with companies in different countries. The National Oil Corporation explained that several individual brokers of different nationalities had also been involved. During the Panel's visit to Tripoli in July 2014, the Attorney General stated that the individuals involved were the subject of ongoing investigations, which may reveal further information. However, to date no such information has been provided to the Panel.

237. The Panel has investigated allegations of a potential link between the oil smuggling network and the financing of arms transfers in violation of the arms embargo. In this connection, the Panel discovered agreements between representatives of Ibrahim Jadhran and other Libyan individuals and entities, as well

as lobbying firms,[49] where it was agreed that "the lobbying firm shall strive to provide the Libyan entities and individuals with economic aid by soliciting buyers for your oil when the need arises as well as tankers for the transport of oil".

238. This agreement was in force from late 2013 to late 2014, over the period during which the House of Representatives was created. Since August 2014, the House of Representatives has managed to retain control only over the eastern oil fields of Libya and no control over the National Oil Corporation based in Tripoli. After the opening of the ports and oil terminals during 2014 the production of Libyan crude oil reached the highest production rate per day since 2011.[50] However, the production of crude oil, control over the storage and export fluctuated throughout the year.

239. The Panel had two meetings with a senior government official of Libya, during which it enquired about the legitimacy of the export of crude oil from the western ports, but could not obtain a definitive answer. It is clear that both sides rely on oil and other natural resources to fund their expenditure (see recommendation 18). Although the Panel could not visit Libya after July 2014, the Panel gathered data of vessels calling at Libyan ports from 19 March 2014 until the time of writing. A total of 2,607 commercial vessels called at Libyan ports during the period. Details of the vessels are provided in annex 37. A synopsis of vessels designed to carry oil and natural resources is contained in table 2.

Table 2
Movements of vessels designed for carrying oil and natural resources

Port	*Chemical tanker*	*Combined bulk and oil carrier*	*Combined chemical and oil tanker*	*Crude oil tanker*	*Floating production tanker*	*Liquid petroleum gas carrier*	*Product tanker*	*Tanker (Unspecified)*
Az Zawiyah	–	–	1	1	–	–	1	–
Benghazi	7	–	27	–	–	15	21	3
Benghazi Anch	11	–	27	2	–	13	20	–
Bouri Terminal	–	–	–	2	–	–	–	–
Derna	–	–	–	–	–	–	–	–
Es Sider Terminal	–	–	1	6	–	–	1	–
Farwah Terminal	2	–	6	15	4	1	6	–
Khoms	2	–	1	1	–	1	1	–
Marsa el Brega	14	1	18	25	–	10	2	–
Mellitah	–	1	3	37	–	39	14	–
Misurata	7	1	34	–	–	15	20	4

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[49] Joan Tilouine, "Libye: pétro-polar en eaux troubles", *Jeune Afrique*, 27 May 2014, available from www.jeuneafrique.com/Article/JA2784p064.xml0/; Brian Hutchinson, "Notorious Canadian lobbyist signs $2M contract to promote Libya militants aiming to divide country", *National Post*, 6 January 2014, available from http://news.nationalpost.com/2014/01/06/notorious-canadian-lobbyist-hired-by-militants-seeking-breakaway-from-libya/; United States Department of Justice, "Amendment to Registration Statement Pursuant to the Foreign Agents Registration Act of 1938, as amended", available from www.fara.gov/docs/6200-Amendment-20131219-1.pdf.

[50] Saleh Sarrar, "Libya plans to resume output at biggest oil field today", Bloomberg, 10 November 2014.

Port	*Chemical tanker*	*Combined bulk and oil carrier*	*Combined chemical and oil tanker*	*Crude oil tanker*	*Floating production tanker*	*Liquid petroleum gas carrier*	*Product tanker*	*Tanker (Unspecified)*
Ras Lanuf	–	–	1	14	–	–	–	–
Sirte	–	–	2	–	–	–	–	–
Tobruk	4	–	4	25	–	1	7	–
Tripoli	8	–	8	1	–	23	15	–
Zawia Terminal	14	–	20	29	–	–	14	–
Zuara	–	–	1	–	–	–	–	–
Zueitina Terminal	–	–	–	7	–	–	–	–
Total	**69**	**3**	**154**	**165**	**4**	**118**	**122**	**7**

Source: Lloyd's List Intelligence.

240. During the period under review, 635 vessels designed for carrying oil and natural resources called at the eastern and western Libyan ports and terminals. The Panel has not received a reply from the Government of Libya regarding which ports are under its control. It can therefore not establish which oil exports are illicit. A map of the Libyan oil ports and installations can be found in annex 38.

241. The major eastern oil ports of Libya were unable to export oil for almost a year because of a blockade by the Petroleum Facilities Guard. These blockades began in late July 2013 and ended after deals were made to reopen the ports of Zueitina and Marsa al-Hariga in April 2014, whereas Es Sidra and Ras Lanuf were reopened in June 2014. Recently, El Sharara, one of the largest oilfields in Libya, was attacked by Fajr forces, which subsequently deployed guards led by officers from Misrata, who secured its storage areas, pumps and pipes. The Zintanis, allied to the House of Representatives, had already withdrawn from Tripoli after a battle with Fajr. To ensure that Fajr does not benefit from the oil, Zintani forces closed El Sharara pipe valves located on their territory. The Al-Hassi government has also been trying to restart another oilfield at El Feel, but its pipelines also cross Zintani territory. The situation on the ground in Libya is continuously changing and so unpredictable, dynamic and vulnerable that the exact quantity of oil produced, exported or stored in their storage tanks is difficult to estimate.

242. After hearing that the House of Representatives had appointed a new company to deal with foreign buyers and to enter into contracts for selling Libyan oil, thus bypassing the National Oil Corporation, the Panel sought clarification from the House of Representatives, and awaits a reply. Furthermore, the Panel awaits a reply to another letter sent to the House of Representatives, inquiring about the export of oil from all Libyan ports and terminals.

D. Potential designations

243. As the necessary mechanisms were in place, on 5 August 2014 an e-mail was received from the Libyan focal point that a vessel had been apprehended by the Libyan and Maltese authorities for being involved in illegal shipment of crude oil from Libya. The Panel wrote to Malta for more information, and Malta denied that that had happened. Further information received suggested that the bills of lading

states that it was a ship-to-ship loading, confirming that the vessel did not load from a Libyan port but in the open sea. According to the bill of lading, the vessel took delivery of "2845.380" tons of gas oil from another vessel. The focal point informed the Panel that that had been done without the permission of the National Oil Corporation, and thus carried away Libyan natural resources without the approval of the Government of Libya.

244. While the cargo was not crude oil, and hence technically does not fall under the provisions of Security Council resolution 2146 (2014), the Panel identifies this type of transfer as a new phenomenon and likely a trend, which corresponds to discussions with various interlocutors whom the Panel has met. In an effort to gain further information on trade patterns and potential abuses, the Panel has identified a number of vessels that may have exported crude oil from ports not controlled by the House of Representatives, and written to the shipping companies operating them to establish details of the trade, including customers, sellers and financial flows. Responses are being received and will be analysed in due course.

245. A further complication has been the appointment of two separate National Oil Corporation heads, one by the House of Representatives, and one by the General National Congress. It is unclear how the payment for exported crude oil is being handled, given the fracture of the National Oil Corporation, and also the disputed management of the Central Bank of Libya. The current situation, both politically and in terms of security, makes the successful designation of any vessels exporting crude oil very unlikely (see recommendation 17).

246. The Panel considers that the matter of illicit exports of crude oil and other natural resources, including for petroleum, oil and lubricant products, from Libya is of great importance to the resolution of the conflict, and that it should be incorporated into any further Security Council resolution on Libya (see recommendation 16).

E. Implementation challenges

247. The implementation of Security Council resolution 2146 (2014) suffers from several challenges inherent in the weak State institutions, current instability and insecurity of Libya.

248. With the ongoing conflict, the Panel concludes that the Government of Libya has lost control over many oil ports and oil installations. Apparently, the western ports are controlled by the Al-Hassi government, whereas the Government of Libya has control of eastern ports and terminals, subject to fluctuation.

249. There is a long history of smuggling in Libya, which has created extensive trafficking networks. The Panel has received information from multiple sources on the smuggling of liquid fuel (petroleum, oil and lubricant products) by fishing boats to Malta and neighbouring countries. Such vessels have a blanket permission to leave the port and return.

250. The current security situation has further hindered attempts to strengthen border management. Likewise, the European Union-led efforts to that effect are limited after its evacuation from Libya in July 2014. Furthermore, as a consequence of heavy fighting, the Libyan officials stationed in Tripoli within the focal point appointed pursuant to resolution 2146 (2014) have not been able to attend work, severely

limiting the oversight of oil export traffic. The previously fluctuating behaviour of the Petroleum Facilities Guard and the lack of oversight also increase the possibility of extortion and illicit exports. The Panel hopes to visit Libya as soon as possible to analyse the situation on the ground and meet relevant officials. It is also worthwhile to consider that, during the entire period of conflict, vessels continued to call at their port of convenience in Libya, especially in case of oil exports from its western ports, which are under the control of the Al-Hassi government. This means that it is impossible to establish how many ships were loaded with what quantity of oil and whether that oil and revenue were properly accounted for.

251. The Panel notes that, despite the volatile security situation, the production of Libyan crude oil is continuing, and the tankers continue to call at ports and terminals, raising the possibility of illicit exports of oil, petroleum, oil and lubricant products, and other natural resources from its ports, or via ship-to-ship loadings.

VIII. Recommendations

252. The Panel makes the following recommendations:

General

To the Security Council:

Recommendation 1.	To create a maritime monitoring force to assist the Government of Libya in securing its territorial waters to prevent the entry into and exit from Libya of arms or related materiel in violation of the arms embargo, to prevent the illicit export of crude oil and its derivatives, and other natural resources [see para. 106].
Recommendation 2.	To commission a mapping exercise for serious violations of human rights and international humanitarian law in Libya since the start of the revolution, building on the work of the International Commission of Inquiry on Libya and mapping experiences in other countries [see para. 65].
Recommendation 3.	In cooperation with the Government of Libya, to identify civilian areas that are to be declared safe from aerial bombing, artillery shelling and the deployment of heavy weapons, through the imposition of appropriate measures [see paras. 56, 95 and 97].
Recommendation 4.	To establish a United Nations-sponsored media channel with nationwide correspondents that promotes independent reporting [see para. 58].

To the Committee:

Recommendation 5.	To update the Sanctions List as follows: [see paras. 208 ff]. Abdulqader Mohammed Al-Baghdadi: Status = Deceased Quren Salih Quren Al-Qadhafi: Location = Egypt, Good Quality a.k.a. = Akrin Saleh Akrin

Saadi Qadhafi: Location = In custody in Libya

Safia Farkash Al-Barassi: Good Quality a.k.a. = Safia Farkash Mohammed Al-Hadad, DoB = 1 Jan 1953, Omani Passport number = 03825239

Recommendation 6. To assist the Panel in its attempts to gain access to Libya as soon as possible [see para. 11].

Recommendation 7. To consider the information provided separately by the Panel on individuals meeting the designation criteria.

Arms embargo

To the Security Council:

Recommendation 8. To require prior approval by the Committee not only for the supply, sale or transfer of arms and related materiel, including related ammunition and spare parts, but also for the supply of non-lethal military equipment, and the provision of security-related training to Libya [see paras. 150 and 157].

Recommendation 9. In coordination with the Government of Libya, integrate an international auditing system into the supervision of the Central Bank of Libya, in order to prevent the payment of salaries and other funds to militias involved in the destruction of public property or abuses of human rights [see para. 190].

Recommendation 10. To create a United Nations-led initiative assisting Member States, upon request, in disposing of arms and ammunition seized under any United Nations arms embargo, to increase transparency, effectiveness and safety of such disposal [see paras. 110 and 148].

Recommendation 11. Consolidate the arms embargo provisions and exemptions thereto in any follow-up resolution, in order to avoid ambiguous and piecemeal interpretation.

To Member States:

Recommendation 12. To adopt national legislation to regulate arms brokering activities or to exercise more effective control over these activities where such legislation exists [see paras. 147 and 155].

Recommendation 13. To systematically conduct inspections of cargo to and from Libya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains embargoed goods, as described in paragraph 9 of Security Council resolution 2174 (2014), particularly relating to, but not exclusively, air transport [see paras. 174 and 184].

Assets freeze

To the Security Council:

Recommendation 14. To maintain the assets freeze on the entities on the Libya Sanctions List in respect of assets frozen prior to 16 September 2011 until such time as a stable and unified government emerges in Libya [see para. 210].

To the Committee:

Recommendation 15. To encourage Member States with the necessary expertise and resources to assist those Member States that lack the legal capacity to implement the assets freeze, as a consequence of a lack of domestic legislation [see para. 224].

Measures in relation to attempts to illicitly export crude oil

To the Security Council:

Recommendation 16. Integrate the provisions contained in resolution 2146 (2014) into the general Libya sanctions resolution, and extend the measures to oil derivatives and other natural resources [see paras. 244 ff].

Recommendation 17. Change the designation process to enable the Committee to make designations without prior notification by Libya [see para. 245].

To the Committee:

Recommendation 18. In order to avoid misuse of the Libyan oil revenues, to encourage the Government of Libya to provide the Committee with regular updates on the ports, oilfields and installations that are under its control, and to inform the Committee about the mechanism used to certify legal exports of crude oil [see para. 239 ff].

Annex 1 Resolutions extending the mandate and adopted during the course of the mandate

1. By resolution 2144 (2014), the Council stressed that Member States notifying to the Committee the supply, sale or transfer to Libya of arms and related materiel, including related ammunition and spare parts, should ensure such notifications contain all relevant information, and should not be resold to, transferred to, or made available for use by parties other than the designated end user.

2. By resolution 2146 (2014), the Council decided to impose measures, on vessels to be designated by the Committee, in relation to attempts to illicitly export crude oil from Libya.

3. By resolution 2174 (2014), the Council introduced additional designation criteria and strengthened the arms embargo, by requiring prior approval of the Committee for the supply, sale or transfer of arms and related materiel, including related ammunition and spare parts, to Libya intended for security or disarmament assistance to the Libyan government. The Council also called upon Member States to undertake inspections related to the arms embargo, and required them to report on such inspections.

Annex 2 Methodology

1. Following the renewal of its mandate, the Panel agreed to adopt the methodology set out below, consistent with its past approach.

2. The Panel is determined to ensure compliance with the standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report (S/2006/997). Those standards call for reliance on verified, genuine documents and concrete evidence and on-site observations by the experts, including taking photographs, wherever possible. When physical inspection is not possible, the Panel will seek to corroborate information using multiple, independent sources to appropriately meet the highest achievable standard, placing a higher value on statements by principal actors and first-hand witnesses to events. While the Panel wishes to be as transparent as possible, in situations where identifying sources would expose them or others to unacceptable safety risks, the Panel will withhold identifying information and place the relevant evidence in United Nations secure archives.

3. The Panel is committed to impartiality in investigating incidents of non-compliance by any party.

4. The Panel is equally committed to the highest degree of fairness and will endeavour to make available to parties, where appropriate and possible, any information available in the report for which those parties may be cited, for their review, comment and response within a specified deadline. To further uphold the right of reply and in the interest of accuracy, the Panel will consider annexing to its reports any rebuttals, with a summary and assessment of their credibility.

5. The Panel safeguards the independence of its work against any efforts to undermine its impartiality and any attempts to create a perception of bias.

Annex 3 List of institutions consulted

This list excludes certain individuals, organisations or entities with whom the Panel met, in order to maintain the confidentiality of the source(s) and not to impede the ongoing investigations of the Panel.

Chad	
Government:	Ministry of Foreign Affairs, Ministry of Interior, Ministry of Defence, Ministry of Foreign Affairs, Intelligence Service, Anti-Terrorist Unit, Police
Diplomatic Missions:	France, United States
Other:	Operation *Barkhane*
Cyprus	
Government:	Ministry of Foreign Affairs, Central Bank, Police Service, Company Registrar, Department of Merchant Shipping
Egypt	
Government:	Ministry of Defence, Ministry of the Interior, Ministry of Foreign Affairs
France	
Organizations:	FATF
Ghana	
Organizations:	GIABA
Greece	
Government:	Ministry of Foreign Affairs, Ministry of Finance, Anti-Money Laundering and Countering the Financing of Terrorism Unit, Army, Navy, Coastguard, Customs
Italy	
Government:	Ministry of Foreign Affairs, Ministry of Economy & Finance, Ministry of Economic Development, Ministry of Interior, Ministry of Infrastructure and Transportation, Guardia di Finanza, Central Bank, Customs, Coastguard, Ministry of Defence
Lebanon	
Government:	Army Intelligence, Ministry of Interior, Security Services, Military Tribunal
Niger	
Government:	Gendarmerie Nationale, Gendarmerie Territoriale, Army, Anti-Terrorism Unit, Central Bank, External intelligence (DGDSE), CNCCAI (SALW Commission)
Diplomatic Missions:	France
Oman	
Government:	Deputy Minister of Foreign Affairs, International Cooperation Department

South Africa	
Government:	Department of International Relations and Cooperation, National Treasury, Financial Intelligence Centre, Department of Transport (Civil Aviation), Department of Home Affairs, Department of Justice, National Prosecuting Authority, South African Police Service, South African Revenue Service, South African Reserve Bank, National Intelligence Coordinating Committee, State Security Agency
Syria	
Government:	Ministry of Foreign Affairs, Military Intelligence, Customs
Organisations:	Office of the United Nations Resident Humanitarian Coordinator
Tunisia	
Government:	Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Justice, Customs, Army, Counter-Terrorism Unit
Organizations:	UNSMIL
Diplomatic Missions:	European Union
United Arab Emirates	
Government:	Ministry of Foreign Affairs, Ministry of the Interior, Intelligence service, Central Bank
United Kingdom	
Government:	Foreign & Commonwealth Office, Home Office, Ministry of Defence, Financial Intelligence Unit, Police
Organizations:	IMO
Libya	
Government:	Ministry of Defence, Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Transport, Attorney General
Organizations:	UNSMIL, NGOs
Diplomatic missions:	Belgium, France, United Kingdom
USA	
Diplomatic missions:	Representatives from the following Permanent Missions to the United Nations in New York: Algeria, Australia, Canada, Chad, China, France, Jordan, Italy, Libya, Lithuania, Luxembourg, Niger, Nigeria, Russian Federation, South Africa, Serbia, Syria, Turkey, United Arab Emirates, United Kingdom and United States

Annex 4 Panel official outgoing correspondence

Panel official outgoing correspondence to Member States since the submission of its last final report

2014

OC no.	Member State	date	measure
40	Niger	12-Mar-14	Assets Freeze
41	Libya	12-Mar-14	Assets Freeze
42	Egypt	13-Mar-14	all
43	Canada	13-Mar-14	Assets Freeze
44	Switzerland	28-Mar-14	Assets Freeze
45	United Republic of Tanzania	23-Apr-14	Assets Freeze
46	United Kingdom	30-Apr-14	all
47	South Africa	29-Apr-14	Assets Freeze
48	Belarus	02-May-14	Arms Embargo
49	Libya	07-May-14	n/a
50	Malta	08-May-14	Arms Embargo
51	European Union	08-May-14	Arms Embargo
52	Greece	14-May-14	Arms Embargo
53	Malta	14-May-14	Arms Embargo
54	Libya	14-May-14	n/a
56	Libya	19-May-14	Assets Freeze, Travel Ban
57	Nigeria	19-May-14	Arms Embargo
58	Chad	12-Jun-14	all
59	United States	30-May-14	Oil
60	Oman	04-Jun-14	Travel Ban
61	Canada	04-Jun-14	Assets Freeze
62	Switzerland	04-Jun-14	Assets Freeze
63	Mexico	04-Jun-14	Travel Ban, Assets Freeze
64	South Africa	05-Jun-14	Assets Freeze
66	Algeria	12-Jun-14	all
67	United Arab Emirates	23-Jun-14	Assets Freeze
68	Libya	12-Jun-14	Oil
69	Egypt	12-Jun-14	Arms Embargo
72	Chair	19-Jun-14	Assets Freeze
73	Mauritius	20-Jun-14	All
74	Oman	20-Jun-14	Travel Ban, Assets Freeze
75	Egypt	25-Jun-14	Travel Ban
76	Tunisia	25-Jun-14	Travel Ban
79	Niger	30-Jun-14	Assets Freeze
80	Italy	01-Jul-14	all
81	Chair	02-Jul-14	n/a
83	Turkey	11-Jul-14	n/a
84	Cyprus	15-Jul-14	Assets Freeze
85	Tunisia	15-Jul-14	Assets Freeze
86	Switzerland	15-Jul-14	Assets Freeze

OC no.	Member State	date	measure
87	Libya	17-Jul-14	Travel Ban. Assets Freeze
88	Oman	16-Jul-14	Travel Ban. Assets Freeze
89	Italy	23-Jul-14	Assets Freeze
90	Belarus	24-Jul-14	Arms Embargo
91	South Africa	23-Jul-14	n/a
92	Oman	23-Jul-14	n/a
93	Russian Federation	25-Jul-14	Arms Embargo
94	Syrian Arab Republic	25-Jul-14	Arms Embargo
95	Morocco	25-Jul-14	Travel Ban. Assets Freeze
96	Ukraine	01-Aug-14	Arms Embargo
97	United Arab Emirates	01-Aug-14	Assets Freeze
98	Chad	07-Aug-14	all
99	Algeria	07-Aug-14	all
100	Nigeria	07-Aug-14	all
101	Sudan	07-Aug-14	all
102	Chair	12-Aug-14	n/a
103	Mexico	14-Aug-14	Assets Freeze
104	Cyprus	15-Aug-14	Assets Freeze
105	Malta	19-Aug-14	Oil
106	Lebanon	20-Aug-14	Arms Embargo
107	Algeria	20-Aug-14	Travel Ban
108	Egypt	20-Aug-14	Travel Ban
109	United Republic of Tanzania	20-Aug-14	Assets Freeze
110	Niger	20-Aug-14	all
111	Syrian Arab Republic	22-Aug-14	all
112	United States	22-Aug-14	Assets Freeze
113	Tunisia	26-Aug-14	Assets Freeze. Arms Embargo
114	United Arab Emirates	26-Aug-14	Assets Freeze
115	South Africa	05-Sep-14	Assets Freeze. Arms Embargo
118	Libya	10-Sep-14	all
119	United Arab Emirates	23-Sep-14	Assets Freeze. Arms Embargo
120	Niger	24-Sep-14	Assets Freeze. Arms Embargo
121	Cyprus	30-Sep-14	all
122	Egypt	30-Sep-14	all
123	United Arab Emirates	01-Oct-14	all
124	France	03-Oct-14	Arms Embargo
125	South Africa	07-Oct-14	Assets Freeze. Arms Embargo
126	Oman	08-Oct-14	Assets Freeze. Travel Ban
127	Tunisia	14-Oct-14	all
128	Niger	10-Oct-14	Assets Freeze
129	Syrian Arab Republic	13-Oct-14	Arms Embargo
130	Nigeria	14-Oct-14	Arms Embargo
131	United States	16-Oct-14	all
132	North Atlantic Treaty Organization	20-Oct-14	Arms Embargo
133	Italy	20-Oct-14	Arms Embargo

OC no.	Member State	date	measure
134	United States	20-Oct-14	Arms Embargo
135	United Kingdom	20-Oct-14	Arms Embargo
136	France	20-Oct-14	Arms Embargo
137	Belgium	20-Oct-14	Arms Embargo
138	Syrian Arab Republic	23-Oct-14	Arms Embargo
139	Libya	23-Oct-14	all
140	Egypt	29-Oct-14	Arms Embargo
141	Niger	27-Oct-14	Arms Embargo
143	United States	03-Nov-14	Arms Embargo
144	United Arab Emirates	03-Nov-14	Arms Embargo
145	Hungary	03-Nov-14	Arms Embargo
147	Sudan	06-Nov-14	Arms Embargo
148	France	06-Nov-14	Arms Embargo
149	Tunisia	06-Nov-14	Assets Freeze
151	United Arab Emirates	12-Nov-14	Arms Embargo
152	Belgium	12-Nov-14	Arms Embargo
154	Lebanon	17-Nov-14	n/a
155	Bulgaria	17-Nov-14	Arms Embargo
156	Seychelles	17-Nov-14	Arms Embargo
157	Libya	19-Nov-14	n/a
159	United States	20-Nov-14	Assets Freeze
160	South Africa	24-Nov-14	Assets Freeze Arms Embargo
161	Algeria	26-Nov-14	Arms Embargo
162	Malta	28-Nov-14	Arms Embargo
164	Libya	30-Nov-14	all
165	Italy	02-Dec-14	Arms Embargo
166	Hungary	05-Dec-14	Arms Embargo
167	Serbia	05-Dec-14	Arms Embargo
168	Cyprus	05-Dec-14	Arms Embargo
169	Algeria	08-Dec-14	Travel Ban
170	Egypt	08-Dec-14	Travel Ban
171	Morocco	08-Dec-14	Travel Ban
172	Russian Federation	10-Dec-14	Arms Embargo
173	Ukraine	10-Dec-14	Arms Embargo
174	South Africa	10-Dec-14	Assets Freeze
175	Romania	10-Dec-14	Arms Embargo
179	South Africa	15-Dec-14	Assets Freeze
180	Jordan	16-Dec-14	Arms Embargo
181	Tunisia	16-Dec-14	Arms Embargo
182	Germany	30-Dec-14	Travel Ban
183	Turkey	16-Dec-14	Arms Embargo
184	United Arab Emirates	22-Dec-14	Arms Embargo
185	Qatar	22-Dec-14	Arms Embargo
186	United Arab Emirates	22-Dec-14	Arms Embargo
187	Egypt	22-Dec-14	Arms Embargo
188	UNIFIL	22-Dec-14	Arms Embargo

OC no.	Member State	date	measure
189	Libya	23-Dec-14	Oil

2015

OC no.	Member State	date	measure
1	Sudan	02-Jan-15	Arms Embargo
2	Egypt	06-Jan-15	Arms Embargo
3	Belgium	06-Jan-15	Arms Embargo
4	Libya	06-Jan-15	Assets Freeze
5	Libya	07-Jan-15	Oil
12	Austria	07-Jan-15	Arms Embargo
13	Libya	07-Jan-15	Arms Embargo
14	Malta	08-Jan-15	Assets Freeze
15	United Kingdom	09/01/2015	Arms Embargo
16	United Kingdom	09/01/2015	Assets Freeze
18	South Africa	12/01/2015	All
19	Oman	13/01/2015	Travel Ban
20	United States	13/01/2015	Arms Embargo
21	Russian Federation	16/01/2014	Arms Embargo

Annex 5 Responsiveness table

Table showing level of responsiveness to requests for information and/or visit from the Panel from 12 March 2014 until 7 January 2015

Country	Number of letters sent*	Requested info fully supplied	Info partially supplied	No answer / information not supplied	Request for visit
Algeria	4			4	Not granted
Belarus	2		2		
Belgium	2	2			
Bulgaria	1	1			
Canada	2		1	1	Not granted
Chad	2	1		1	Granted
Cyprus	4	3	1		Granted
Egypt	8	5		3	Granted
European Union	1	1			
France	3	3			
Greece	1	1			Granted
Hungary	2		1	1	
Italy	4	2	1	1	Granted
Jordan	1	1			
Lebanon	1	1			Granted
Libya	9	2		7	
Malta	4	3	1		
Mexico	2			2	Not granted
Morocco	1			1	Not granted
NATO	1			1	
Niger	3	1		2	Granted
Nigeria	3	1		2	Not granted
Oman	4	4			Granted
Qatar	1			1	
Romania	1	1			
Russian Federation	2	1		1	
Serbia	1	1			
Seychelles	1			1	
South Africa	7	5		2	Granted
Sudan	2			2	Not granted
Switzerland	2	1		1	
Syrian Arab Republic	2	2			Granted
Tanzania	2			2	
Tunisia	5	3		2	Granted
Turkey	1	1			
UAE	9	2		7	Granted
Ukraine	2	2			
UNIFIL	1			1	
United Kingdom	2	1		1	Granted
United States	6	1	1	4	

* This figure does not include letters providing an opportunity for rebuttal or letters concerning logistical issues related to a visit.

Annex 6 Regional developments

1. Libya continued to be under the influence of clashes of interest between regional supporters and detractors of various political factions inside the country. Most States in the region have viewed the Libyan conflict as a binary one between 'Islamists' and 'anti-Islamists'. However, many Libyans interviewed are not vested in the ideology of either side; and hope their country does not become a failed state.

2. Some regional governments provided financial and military logistical aid to various armed groups inside Libya. A number of foreign aircraft and vessels delivered suspicious cargos to Tobruk and Tripoli, under the cover of humanitarian assistance, which the Panel is investigating. Senior officials in Cairo and Al-Bayda reaffirmed publicly their mutual coordination in "combating terrorism" as a common enemy.[51] Since mid-2014, there has been close military coordination between the governments in Al-Bayda and Cairo. Egyptian Defence Minister General Sedki Sobhi stated that Egypt was ready to offer "all support" to the Libyan army, especially in "combating terrorism".[52] Senior Libyan military officials also confirmed Egypt's readiness to supply training and technical assistance.[53]

3. The United Arab Emirates has been concerned with the growing level of violence in Libya. It blamed *Fajr* for attacking the Emirati and Egyptian embassies in Tripoli on 13 November 2014.[54]

4. Some former Libyan officials briefed the Panel on how Qatar has sustained its political and financial support for the Misratan notables and revolutionaries in western Libya, who were clustered around the Doha-based cleric Ali Sallabi. The Qatari government has denied accusations of interference inside Libya and maintained its policy of "mutual respect and non-interference in the internal affairs of other countries".[55] In October 2014, Qatar was among the signatories of a 13-country statement pledging non-interference in Libya's internal affairs.[56]

5. Turkey showed some level of political support to the self-declared Prime Minister Omar Al-Hassi, when its envoy, Emrullah Isler, was the first foreign envoy to meet with him in Tripoli.

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[51] Jared Malsin, "Egyptian Involvement Sparked Libya Oil Port Battle", Time, 19 December 2014 http://time.com/3642616/libya-oil-egypt-tobruk-tripoli/; "Egypt to 'fight its own battle': Shoukry", Daily News Egypt, 11 September 2014, http://www.dailynewsegypt.com/2014/09/11/egypt-fight-battle-shoukry/.
[52] Omar Almosmari, "Egypt warplanes hit Libya militias", Associated Press, 15 October 2014, http://www.cnsnews.com/news/article/egypt-warplanes-hit-libya-militias-officials-say.
[53] Al-Masry Al-Youm, "Libyan Chief of Staff: Sisi promised to support Libyan army", Egypt Independent, 27 August 2014, http://www.egyptindependent.com/news/libyan-chief-staff-sisi-promised-support-libyan-army.
[54] "قصف في مطار بو استيفه مسؤولية المسلحة الميليشيات تحمل الإمارات", Alhayat, 12 November 2014, http://alhayat.com/Articles/5681109.
[55] "Qatar rejects accusation it sent weapons to Libya", Reuters, 16 September 2014, http://www.reuters.com/article/2014/09/16/us-qatar-libya-idUSKBN0HB0HI20140916.
[56] "Libya's neighbors won't intervene in 'domestic affairs'", Deutsche Welle, 25 August 2014, http://www.dw.de/libyas-neighbors-wont-intervene-in-domestic-affairs/a-17878298.

Turkey has remained keen to revive its strong economic ties with Libya, with USD 19 billion in construction projects alone.[57]

6. While arms proliferation to the Sahel and Egypt remains significant, transfers to Syria seemed to have declined. At the same time, an estimated 1,000 Libyan jihadists were fighting with radical groups in Syria, and 145 of them were killed in the battlefield in the first five months of 2014.[58] Meetings with authorities of regional countries confirmed to the Panel that weapons proliferation remained a primary security challenge for them. Resolution 2174 (2014) calls on neighbouring States in particular to enforce the arms embargo. In this context, the Committee held a meeting with Libya and regional States on 14 November 2014, discussing implementation challenges.

7. Tunisia has been grappling with the security threat along its border with Libya. Libya has become a training ground for Tunisian and other foreign fighters. Links between Ansar Al-Sharia organizations in both countries have developed over the past months.[59] Tunisia has also been challenged by the economic and social impact of the two million Libyan refugees, while the flux into Tunisia peaked when between 5,000 and 6,000 Libyan refugees were crossing its border each day in the summer of 2014. Tunisian Foreign Affairs Minister Mongi Hamdi stated that his country's economic situation was precarious, and Tunisia could not cope with hundreds of thousands of refugees, and his government would close the border if the national interest requires it.[60]

8. To the West, Algeria decided to build a 120 kilometre-long electric fence as part of its upgraded measures of policing the 900 kilometre-long land border with Libya. On the political front, Algeria proposed a new initiative, as a basis for the Libya Neighbouring Countries Initiative in September 2014, to mediate an intra-Libyan dialogue towards national reconciliation.

9. While in Khartoum on 27 October 2014, Prime Minister Al-Thinni accepted Sudan's initiative of hosting peace talks between Libyan political rivals, but on the condition that there would be concessions from "all sides".[61] This Sudanese proposal came a few weeks after the

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[57] Tulay Karadeniz, "Turkey urges remaining citizens to leave Libya after airline threat", Reuters, 8 January 2015, http://www.reuters.com/article/2015/01/08/libya-security-turkey-idUSL6N0UN11320150108.

[58] Aaron Zelin/Evan Kohlmann/ Laith al-Khouri, Convoy of Martyrs in the Levant, FlashPoint Partners, June 2013, http://www.washingtoninstitute.org/uploads/Documents/opeds/Zelin20130601-FlashpointReport-v2.pdf

[59] International Crisis Group, "La Tunisie des Frontieres: Terrorisme et Polarisation Regionale", 21 October 2014 http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/North%20Africa/Tunisia/b041-la-tunisie-des-frontieres-ii-terrorisme-et-polarisation-regionale.pdf

[60] Makula Dunbar, "Tunisia May Close Border to Libyan Refugees", AFK Insider, 30 June 2014, http://afkinsider.com/66905/tunisia-may-close-border-to-libyan-refugees/.

[61] "Libya PM 'ready for talks with rivals'", The National, 29 October 2014, http://www.thenational.ae/world/middle-east/libya-pm-ready-for-talks-with-rivals

Libyan government had accused Sudan of sending aircraft carrying ammunition into Kufra, bound for armed groups there (see paragraphs 178 et seq.).[62]

10. With the growing security threats in the Sahel region, military units from Mauritania, Mali, Burkina Faso, Niger and Chad, or the "Sahel G-5", coordinated their efforts in the French-led counter-terrorism Operation *Barkhane*. By the end of 2014, this operation has expanded its scope to cover the desert land between Northern Niger and Chad, close to the Libyan southern border.[63] At the same time, other African countries like Senegal called for action by western countries in Libya.

11. Several States and international organizations, including France, Germany, Italy, Malta, Spain, the United Kingdom, the United States, the African Union, the Arab League and the European Union, appointed special envoys to Libya. After their meeting in Paris on 30 October 2014, they called for an immediate and unconditional ceasefire throughout Libya that would allow the immediate resumption of humanitarian assistance.[64] They also underscored the legitimacy of the House of Representatives (HoR) as the sole legislative authority in Libya.[65]

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[62] James Butty, "Sudan Claims to Have Brokered Plan for Libyan Peace Talks", The Voice of America, 30 October 2014, http://www.voanews.com/content/sudan-official-says-bashir-desires-nobel-peace-prize/2501660.html.

[63] Andrew McGregor, "Operation Barkhane: France's New Military Approach to Counter-Terrorism in Africa", Aberfoyle International Security, 24 July 2014, http://www.aberfoylesecurity.com/?p=909.

[64] "Meeting of the Special Envoys for Libya in Paris", Foreign and Commonwealth Office, 1 November 2014, https://www.gov.uk/government/news/meeting-of-the-special-envoys-for-libya-in-paris.

[65] "Joint Communique on Libya", Office of the Spokesperson, United States Department of State, 22 September 2014, http://www.state.gov/r/pa/prs/ps/2014/09/231985.htm

Annex 7 Map disclaimer

Conflict event data and maps used by the Panel

1. By the end of 2014, most major Libyan towns had witnessed acts threatening the peace, stability and security of the country. Armed conflicts escalated as the year progressed, involving an increasing number of conflict parties. To enable the Panel to analyse the exact sequence and scope of these complex events, it has developed a database of security incidents with geographic references and timestamps. The Panel's dataset combines information from pre-existing datasets, developed by research institutes specialised in crisis mapping,[66] with entries based on the Panel's own data collection.

2. All sources used to build this dataset are publicly available from (social) media and the descriptions of the security incidents are summaries of events as described in the original reports. It should be stressed that the language used or analysis made in those descriptions do not necessarily reflect the findings of the Panel. However, this approach provides a maximum of transparency and a sufficiently large volume of data that allows for a significant overall assessment of security developments throughout 2014. The Panel has not used, nor will it use, media reports of individual incidents from the dataset as evidence to support its analysis. However, the dataset reveals more general trends which it could and has used to that effect.

3. The Panel has made a careful selection of incidents, trying as much as possible to avoid misinformation, disinformation and the double reporting of incidents. Nevertheless, the Panel cannot entirely exclude some unintentional bias or the underreporting of certain developments. However, without the effort to systematically collect such data and present it transparently, the risk of bias and/or underreporting could potentially have been far greater.

4. The Panel has used the dataset to produce a digital and interactive map of security incidents. Throughout the report the Panel has included several screenshots of these maps, confirming some of its key findings. For further reference, the Panel has made the map available online at: http://www.annexmap.net/libya/, password: PoEL2014.

5. Given the difficulty of gathering precise geographic data, the map inevitably contains inaccuracies and therefore, is to be considered indicative and limited, rather than an exact representation of the geographic features presented. The incidents shown certainly cannot be considered to be exhaustive. A similar caveat applies to the summary statistics of the violent incidents presented in the legend of the map.

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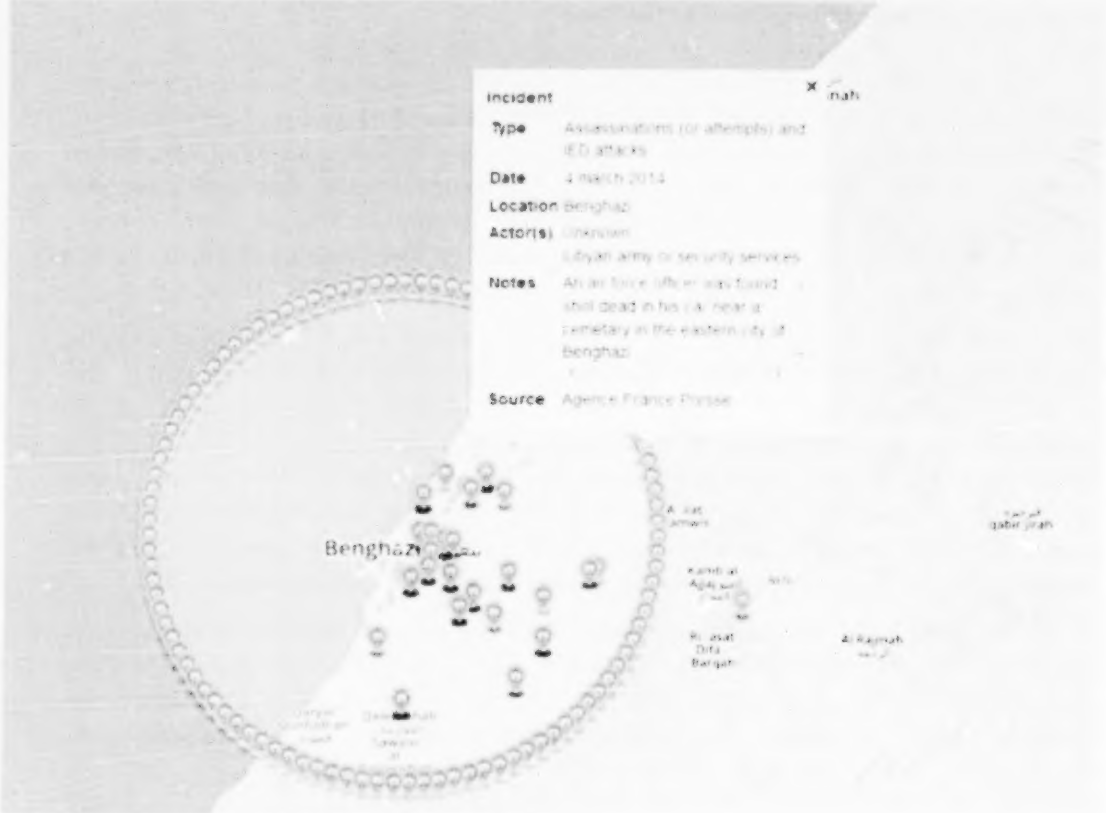
[66] ACLED, a well-known crisis mapping project covering the whole of Africa, had published partial conflict event data on Libya for 2014, a selection of which was included in the Panel's dataset. http://www.acleddata.com/.

Annex 8 Map of assassinations in Benghazi

Figure 1: Assassinations in Benghazi (January to May 2014, Derna not displayed)



Incident

Type Assassinations (or attempts) and IED attacks

Date 4 march 2014

Location Benghazi

Actor(s) Unknown

Libyan army or security services

Notes An air force officer was found shot dead in his car near a cemetary in the eastern city of Benghazi

Source Agence France Presse

Source: http://www.annexmap.net/libya/, password: PoEL2014

Annex 9 Security developments in Tripoli in the first half of 2014

1. The 2013 trend of violent incidents related to the ongoing political power struggle in the capital continued during the first half of 2014. Civilian and key State institutions were repeatedly attacked. Some of the more significant incidents included missile attacks on TV stations on 12 February and 4 March, a two-hour armed attack on Prime Minister Zeidan's office on 6 April, another on 18 May on the GNC building that was accompanied by arson and the abduction of several lawmakers, and another on the home of Prime Minister-elect Ahmed Meiteeg on 27 May 2014.

2. In addition, there were a limited number of short but significant clashes between militias from different sides of the main political divide. One example was the 14 March 2014 attack on the Libyan army's 2nd Division camp, reportedly executed by militias from Zintan against former SSC units.[67] A few other significant clashes did not follow this divide, most importantly a large military operation in Warshefana areas in January 2014.

3. A number of assassinations and abductions further contributed to the insecurity. Whereas the number of assassinations in Tripoli is clearly lower than the one in Benghazi, the conflict data suggests that abductions in the capital were at least as frequent as they were in the East (see below Figure 2). The targets of those abductions included several journalists and diplomats, indicating that many of these actions could not be attributed to 'common' criminality.

4. The Panel's findings on acts that have threatened the peace, stability or security of Libya throughout this period are more related to its political transition, and are therefore included in the section dealing with the political transition (see Annex 16).

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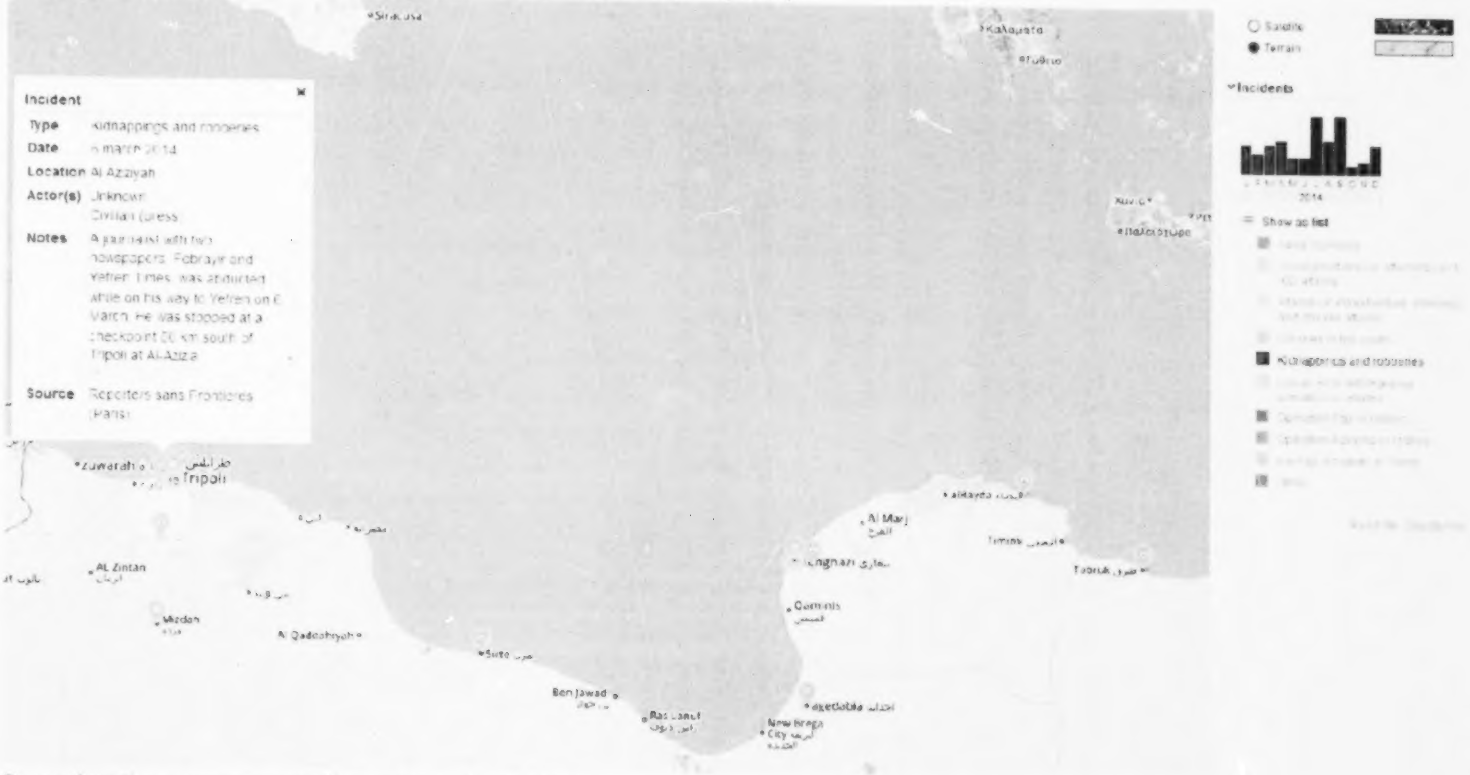
[67] Wolfram Lacher/Peter Cole, "Politics by Other Means, Conflicting Interests in Libya's Security Sector", Small Arms Survey, 20 October 2014, http://www.smallarmssurvey.org/fileadmin/docs/R-SANA/SAS-SANA-WP20-Libya-Security-Sector.pdf

Figure 2: Abductions and robberies in Tripoli and Benghazi (January-May 2014)



○ Satellite
● Terrain
Incidents
2014
Show as list
Kidnappings and robberies
Siracusa
Kalamata
Tripoli
Zuwarah
Al Zintan
Mizdah
Al Qaddahiyah
Sirte
Ben Jawad
Ras Lanuf
New Brega City
Ajdabiya
Qaminis
Benghazi
Al Marj
Albayda
Timimi
Tobruk

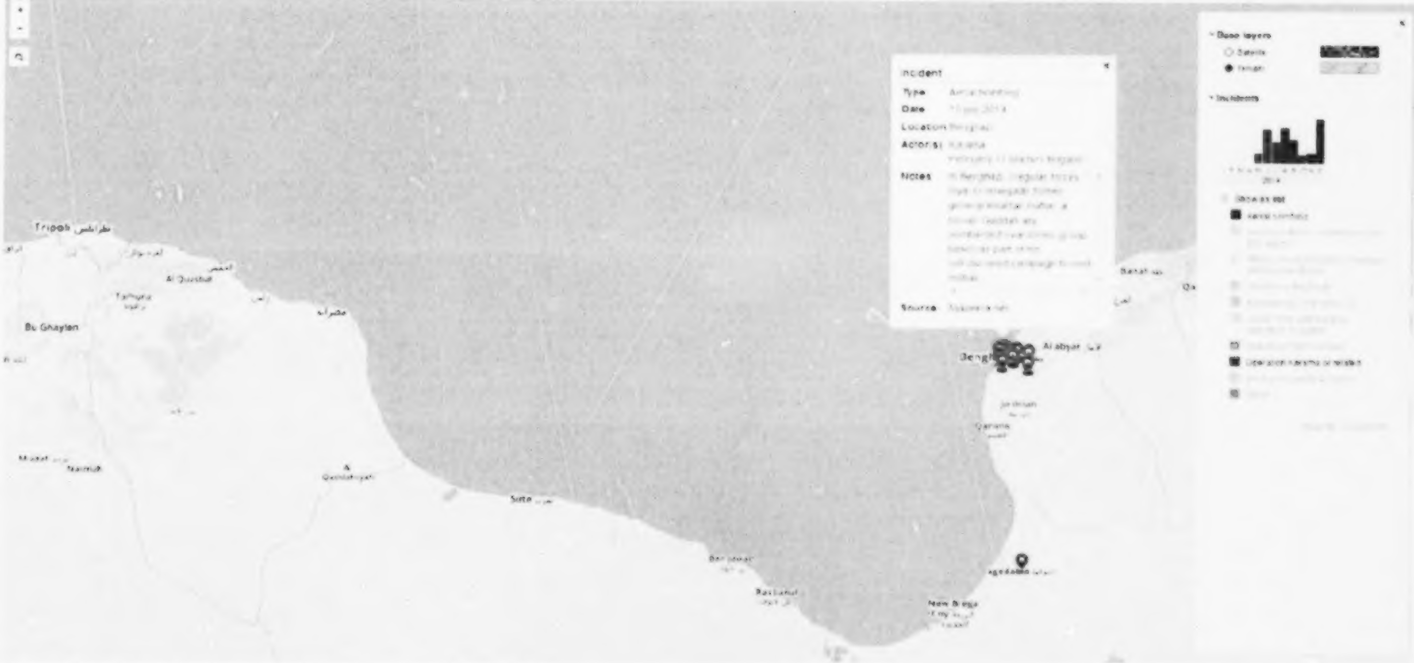
Incident

Type	Kidnappings and robberies
Date	6 March 2014
Location	Al Azziyah
Actor(s)	Unknown Civilian (press)
Notes	A journalist with two newspapers, Febrayir and Yefren Times, was abducted while on his way to Yefren on 6 March. He was stopped at a checkpoint 20 km south of Tripoli at Al-Aziza
Source	Reporters sans Frontières (Paris)

Source: http://www.annexmap.net/libya, password: PoEL2014

Annex 10 Map of Karama operations and related (May-15 August 2014)

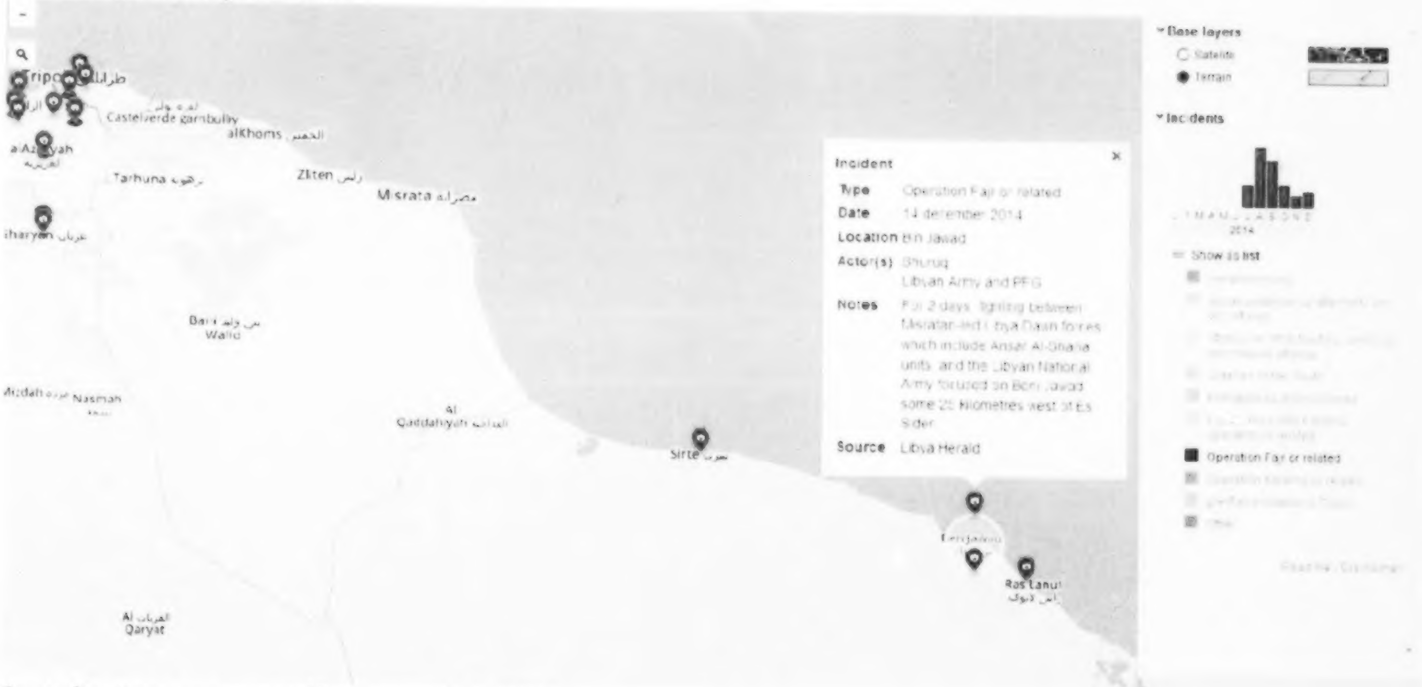
Figure 3: *Karama* operations and related (May to 15 August 2014)


Incident
Type
Date
Location
Actor(s)
Notes
Source
Base layers
Incidents
2014
Tripoli طرابلس
Al Qurabull
Tarhuna
Bu Ghaylan
Sirte
Ras Lanuf
New Brega
Al abyar
Qaminis
Ajdabiya

Source: http://www.annexmap.net/libya/, password: PoEL2014

Annex 11 Map of Operations Fajr, Shuruq and related

Figure 4: Operation *Fajr* and related



Tripoli طرابلس
Castelverde garabulli
alKhoms الخمس
a Azizyah العزيزية
Tarhuna ترهونة
Zliten زليتن
Misrata مصراتة
Gharyan غريان
Bani Walid بني وليد
Mizdah مزدة
Nasmah
Al Qaddahiyah القداحية
Sirte سرت
Ras Lanuf راس لانوف
Al Qaryat القريات
Base layers
Satellite
Terrain
Incidents
J F M A M J J A S O N D
2014
Show as list
Operation Fajr or related

Incident

Type Operation Fajr or related

Date 14 december 2014

Location Bin Jawad

Actor(s) Shuruq
Libyan Army and PFG

Notes For 2 days, fighting between Misratan-led Libya Dawn forces which include Ansar Al-Sharia units, and the Libyan National Army focused on Bin Jawad some 25 kilometres west of Es Sider.

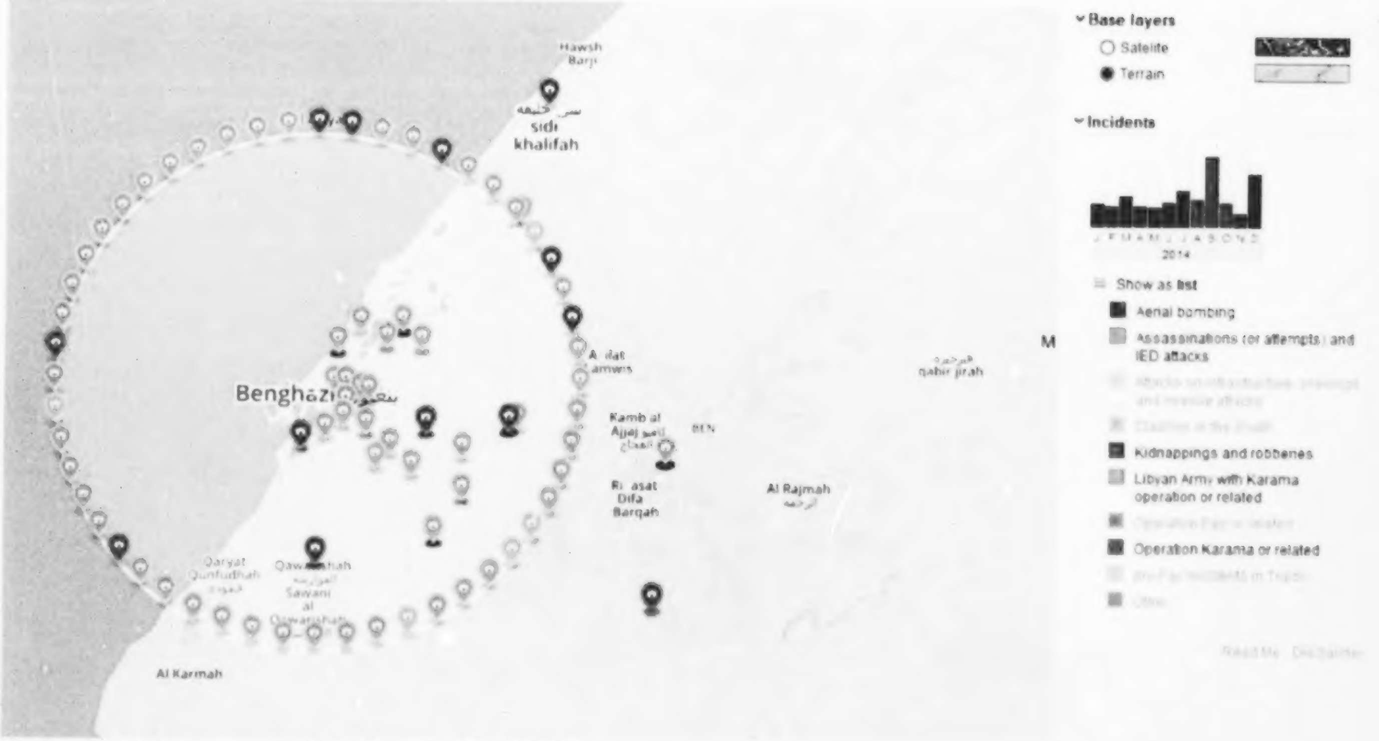
Source Libya Herald

Source: http://www.annexmap.net/libya/, password: PoEL2014

Annex 12 Map of security incidents in Benghazi (August-December 2014)

Figure 5 shows that the reported number of security incidents in the centre of Benghazi remains high.

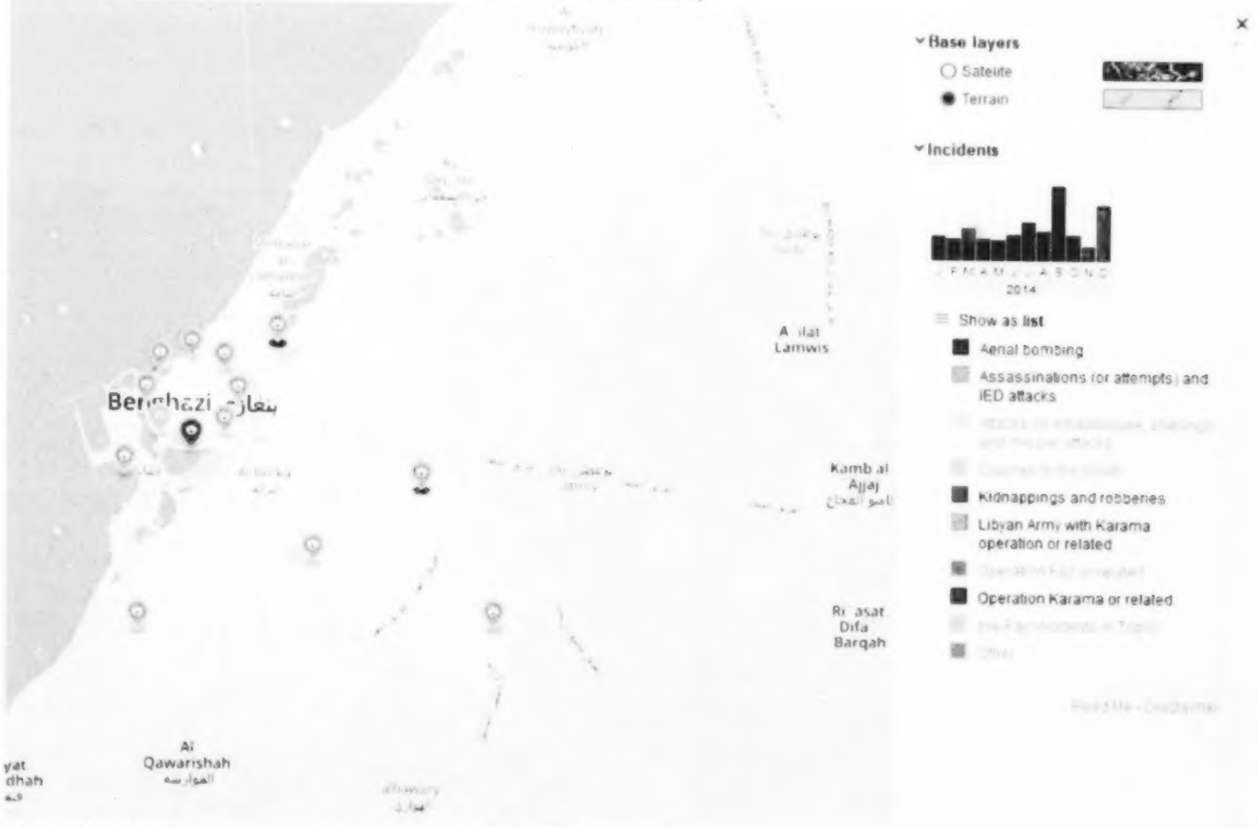
Figure 5: Security incidents in Benghazi (August to October 2014)


Hawsh Barji
سي خليفة
Sidi khalifah
Benghazi
Qaryat Qunfudhah
Qawarishah
Sawani al Qawarishah
Al Karmah
Kamb al Ajaj
Ri asat Difa Barqah
BEN
Al Rajmah
الرجمة
qabir jirah
M
Base layers
○ Satellite
● Terrain
Incidents
J F M A M J J A S O N D
2014
Show as list
Aerial bombing
Assassinations (or attempts) and IED attacks
Kidnappings and robberies
Libyan Army with Karama operation or related
Operation Karama or related

Source: http://www.annexmap.net/libya/, password: PoEL2014

Figure 6 shows much less reported security incidents in the central districts of Benghazi, but ongoing clashes in surrounding areas.

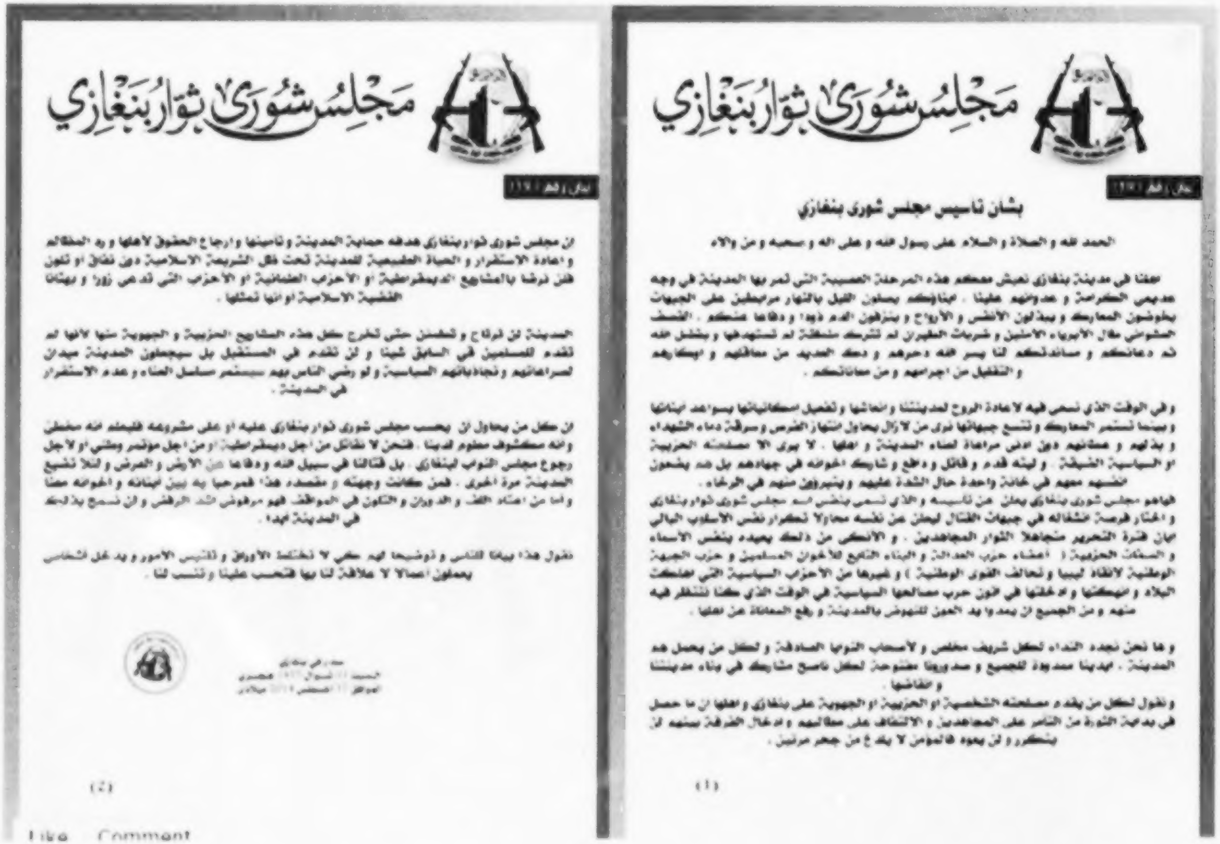
Figure 6: Security incidents in Benghazi (November to December 2014)


Benghazi بنغازي
A lat Lamwis
Kamb al Ajjaj
Ri asat Difa Barqah
Al Qawarishah القوارشة
yat dhah
Base layers
○ Satellite
● Terrain
Incidents
J F M A M J J A S O N D
2014
Show as list
Aerial bombing
Assassinations (or attempts) and IED attacks
Kidnappings and robberies
Libyan Army with Karama operation or related
Operation Karama or related
×

Source: http://www.annexmap.net/libya/, password: PoEL2014

Annex 13 Benghazi Revolutionaries Shura Council political declaration

Political declaration of the Benghazi Revolutionaries Shura Council , including a clear rejection of the current ‘democracy’ and the stated intent to install a society ruled by the Sharia



مجلس شورى ثوار بنغازي

بشأن تأسيس مجلس شورى بنغازي

الحمد لله و الصلاة و السلام على رسول الله و على آله و صحبه و من والاه

(1)

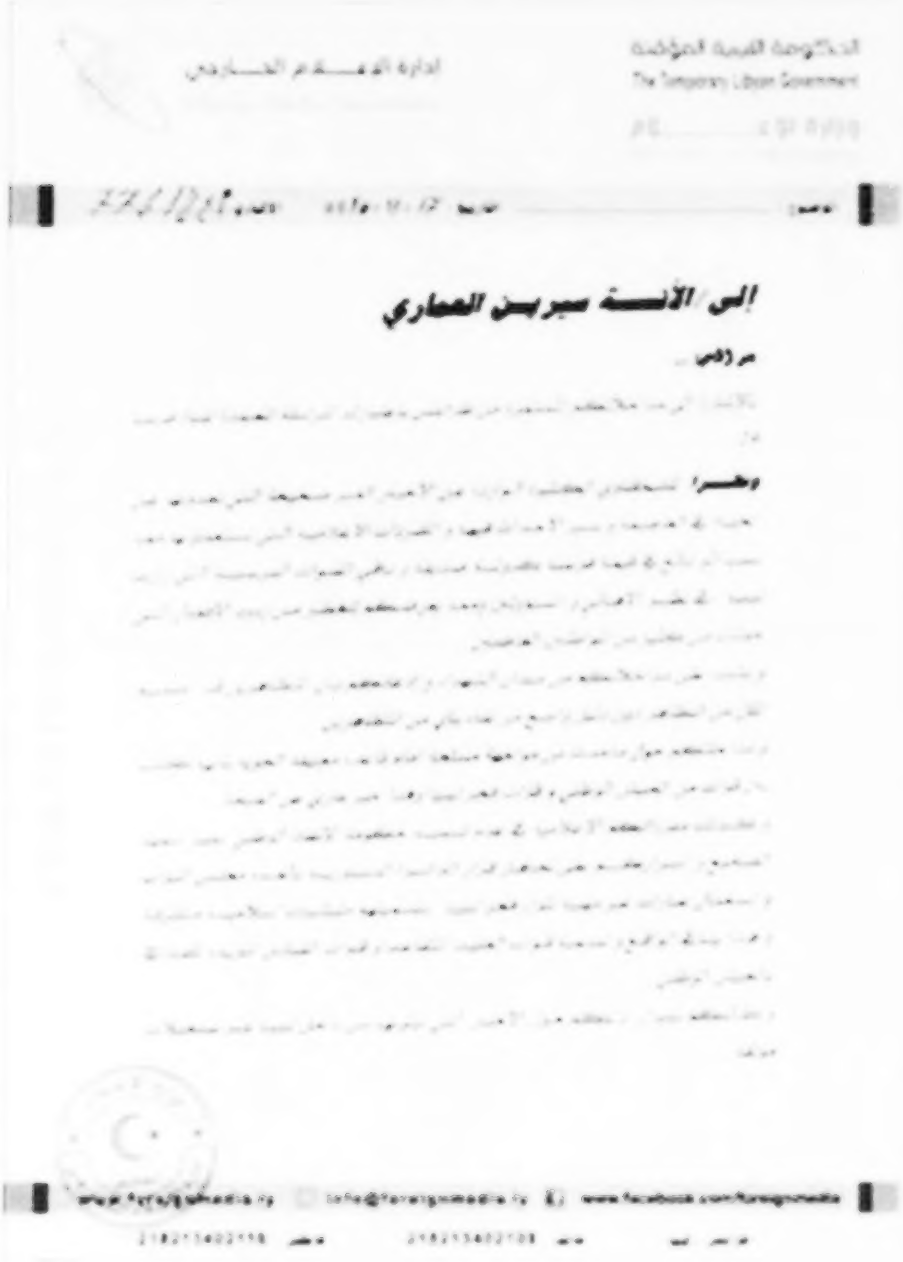
مجلس شورى ثوار بنغازي

(2)

Like Comment

Annex 14 Letter from the Al-Hassi government to France 24

Letter from the Al-Hassi government's foreign media department to a France 24 correspondent, commenting on the channel's reporting



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The Temporary Libyan Government

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Annex 15 Security developments in the south

1 Fighters from all major tribes in Libya's South were involved in armed confrontations in the course of 2014. A lot of the fighting appears to have been organised around tribal affiliation. The Panel previously reported how such clashes are caused by rivalries over the control of borders, smuggling routes and other interests (see S/2014/106).

2 In the East, Tebu militias clashed on several occasions with Zway militiamen in January and early February 2014. Much of the fighting was concentrated around the town of Kufra, but another significant hotbed was the oilfield of Sarir where a PFG unit, mainly composed of Tebu, clashed with a Zway unit stationed at the power plant nearby.

3 Security incidents in the south-west persisted throughout the year. Tebu and Awled Suleiman militias clashed during most of January 2015 around Sebha. During the same period, the temporary takeover of the nearby Tamanhint military base, involving members of the Qadhadhfa tribe, was ascribed by local authorities to "pro-Qadhafi militias". However, the Panel did not identify any convincing evidence of such a counter revolution throughout its mandate, nor did it note any such claim from the former regime loyalists it has interviewed.

4 Clashes between some Touareg and Tebu units around Awbari, from September onwards and occasionally flaring up, were also attributed to external interests, namely the ongoing *Fajr* and *Karama* operations. Although the Panel cannot exclude local dynamics, there are several elements supporting this analysis. Firstly, until September 2014, the relationship between the two tribes has been mostly peaceful. Even during the 2011 revolution both groups adhered to a truce referred to as "midi-midi". Secondly, in the course of the fighting the involvement of Misratan units from the Shield III Brigade, stationed in the South, was reported. Significantly, local oil workers alleged that an attack of Tuareg militiamen on the nearby Sharara oilfield, until 5 November under the control of Zintani PFG, also involved fighters from Misrata.[68] Finally, in the wake of Operation *Shuruq*, Tebu[69] units from the South moved to the oil crescent to fight alongside the Libyan army, while the Shield III forces re-joined their fellow townsmen on the *Fajr* side.

5 The Panel continued to receive further reports confirming the presence of local and foreign extremist groups in Fezzan. Several sources from security services in Niamey explained to the Panel that Ansar Al-Sharia had approached several tribes around Awbari to gain a foothold in the area, offering significant amounts of cash. Furthermore, local and international intelligence sources asserted that Algerian terrorist Mokhtar Belmokhtar stayed in close proximity to the town of Awbari. The Panel received allegations from several sources that one particular GNC

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[68] Ulf Laessing, "Struggle for Libyan oilfield reflects fractured nation's conflict", Reuters, 11 November 2014, http://www.reuters.com/article/2014/11/11/us-libya-security-oil-insight-idUSKCN0IV1KZ20141111.

[69] Earlier in the year, the predominantly Tebu *Katiba 25* at the Sarir oil field had already pledged its support to *Karama*.

member from Fezzan is supporting extremist attempts to build a presence in the area. The Panel is investigating the matter.

6. On 28 December 2014, a series of explosions was heard near the town of Taraghin, in what was reported to have been a military operation by unknown forces against a camp used by extremists. The Panel is investigating this case.

Annex 16 Political developments and related sanctions criteria

A. Political transition before 2014

1. "Obstructing or undermining the successful completion of Libya's transition" is a new criterion defined by the Council in resolution 2174 (2014) to designate individuals or entities as subject to the travel ban and assets freeze. However, this transition is an ongoing process since 2011. Events prior to August 2014 had already interfered with the process. They had shaped the positions and strategies of all the parties involved, and on several occasions the transitional roadmap itself. Moreover, at the core of the transition lies a clear struggle for power. On several occasions, changes in the balance of power have changed the roadmap as well as internal and external perceptions on state authority.

2. As a consequence, the Panel could not fully assess the recent actions of individuals and entities that have potentially undermined Libya's transition without taking into account the key political developments since 2011. It has listed some of those below; most of the information is based on previous reporting by the Panel[70] and UNSMIL reports.[71]

1. Political institution building

3. The roadmap for political transition has changed several times. On 16 September 2011, the National Transitional Council (NTC) was granted Libya's seat in the United Nations General Assembly. It had previously committed in its founding declaration to establish an interim Government within 30 days and subsequently organize legislative elections and a referendum on the constitution within a year. On 22 November 2011, the NTC appointed Abdurrahim el-Keib as its Prime Minister.

4. The power balance within the new Libya became only apparent after the successful elections of 7 July 2012. The National Forces Alliance (NFA), perceived to be a more 'liberal' political formation under the leadership of Mahmoud Jibril, became the strongest political party. However, the loose coalition would never manage to take control of the newly elected GNC. Islamist-leaning politicians built a rival bloc from parties and 'independent' candidates that would increasingly come to dominate the assembly. On 9 August 2012, the GNC elected Muhammad Yusuf al-Maqarif from the small National Front Party, as its President.

5. Positions within the government were, at first, equally distributed between the two blocs. According to the 21 February 2013 UNSMIL report, the two main political blocs in the General National Congress – the NFA and the Justice and Construction Party[72] – received an equal number of seats within Prime Minister Ali Zeidan's government on 31 October 2012. Throughout 2013, that balance would remain under constant pressure from the GNC.

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[70] Previous reports of the Panel can be found here: http://www.un.org/sc/committees/1970/experts.shtml.

[71] The reports of the Secretary-General on the United Nations Support Mission in Libya can be found here: http://unsmil.unmissions.org/Default.aspx?tabid=3549&language=en-US.

[72] The Justice and Construction Party is commonly referred to as the Libyan wing of the Muslim Brotherhood.

6. The event that would eventually disrupt the functioning of both branches of government was the 5 May 2013 adoption by the GNC of a 10 year Political and Administrative Isolation Law that would exclude individuals previously associated with the Qadhafi regime from holding a wide range of public offices. In the run-up to the vote, armed militias in favour of the law were involved in a series of security incidents in Tripoli, in an attempt to influence the vote through the intimidation of politicians, administrators and the press.

7. Following the adoption of the law, GNC President al-Maqarif resigned and was replaced by Nuri Abu Sahmain. Several ministers from the Zeidan government resigned as well. Furthermore, the NFA decided to suspend its participation in the GNC.[73] In an attempt to restore the balance of power in their favour, NFA politicians stressed the urgent need to prepare for a new road map.

2. The constitution drafting process and the issue of federalism

8. From the earliest preparations for a constitution drafting process by the NTC, federalists from the Eastern region of Cyrenaica were very vocal on equal representation among the drafters. Pressure included threats of the use of force and strong political declarations by the 'Barqah Military Council'. Subsequently, on 16 July 2013, the GNC approved an electoral law allowing the regions of Tripolitania, Cyrenaica and Fezzan to delegate 20 drafters each. Meanwhile, the Zeidan government made several promises to re-establish in due course the headquarters of the NOC and a number of other State institutions in Benghazi.

3. Transitional justice

9. The NTC tried to launch several initiatives to promote transitional justice, such as the establishment on 14 February 2012 of a fact-finding and reconciliation commission to investigate human rights violations since 1969. This commission has remained largely inactive. Overall, there has been little process during the GNC legislature as well, the main achievement being the promulgation of a new law on transitional justice in December 2013. This law required that detainees be released or handed over to the judiciary within 90 days and re-established the fact-finding and reconciliation commission but its implementation made little headway.

10. Actions of several revolutionary militias and politicians have undermined the issue of transitional justice. This was illustrated by several developments. A first example is the adoption of Act No. 38 of May 2012, granting amnesty to acts performed by revolutionaries with the goal of promoting or protecting the revolution. A second is the adoption of the political isolation law, resulting in the reassignment of 400 judges and prosecutors, which further encumbered a justice system that was understaffed and under constant threat of armed militias.

11. Potentially the biggest impediment has been the lack of state control over detention facilities run by armed militias. Large groups of detainees in these facilities were arrested in operations targeting supporters of the former regime, but many have never seen a judge or heard

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[73] Except for discussions related to the adoption of an electoral law for the Constitution Drafting Assembly.

the charges against them. Moreover, reports of practices of torture and ill-treatment of detainees are rife.

4. Efforts to build state security institutions

12. As reported by the Panel in previous mandates, while some attempts were made to build a national army, the majority of military power remained with various militias, mostly associated with local councils. Chief among these were militias from Zintan and Misrata, but also other militias from the wider Tripoli area remained influential. In recognition of this influence, they received key security sector positions within consecutive governments. Given the large number of positions that were created, most militias had almost immediate access to funding and arms (see paragraphs 190 et seq.).[74] The distribution of key positions between what would soon become rival factions created further difficulties to establish a unified chain of command and led to an arms race between and within different ministries.

13. To complicate matters, several ad hoc measures for militia integration have provided varying degrees of legitimate authority to militias without actually bringing them under national control. One of these attempts has been the 2011 creation of a Supreme Security Committee (SSC) in Tripoli, a registration exercise under the Ministry of the Interior that provided up to 149,000 'fighters' with a salary and therewith an official status. The lack of real integration led to in-fighting after which incomplete attempts were made to dissolve the units.[75]

14. Within the Ministry of Defence, the Libya Shield units enjoy a similar status to that of the SSC since early 2012. Organizing themselves as 'peacekeepers' in local conflicts, coalitions of former revolutionaries were awarded contracts with the Defence Ministry. The 'Shields' never fully integrated in the army, maintaining a parallel status as temporary forces directly under the Chief of Staff, whose real control over them was limited.[76]

15. In December 2012, the formal decision was taken to place the entity responsible for guarding the borders, petroleum facilities and critical infrastructure under the authority of the Ministry of Defence and the command of the Chief of General Staff. In June 2013, Decision 53 was adopted by the GNC, calling for the integration of all 'legitimate' armed groups. Many more initiatives were launched, but most failed.

16. The struggle of control over the security sector was reflected in several developments. An important indicating event was the military operation against Bani Walid in September 2012. The decision to attack was taken by the GNC speaker in public disagreement with the Minister of

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[74] For example: Minster of Defence and 2 deputies, Minister of the Interior and 2 deputies, Chief of Staff, speaker of the GNC and several more.

[75] Wolfram Lacher/Peter Cole, "Politics by Other Means. Conflicting Interests in Libya's Security Sector", Small Arms Survey, 20 October 2014, http://www.smallarmssurvey.org/fileadmin/docs/R-SANA/SAS-SANA-WP20-Libya-Security-Sector.pdf.

[76] Wolfram Lacher/Peter Cole, "Politics by Other Means. Conflicting Interests in Libya's Security Sector", Small Arms Survey, 20 October 2014, http://www.smallarmssurvey.org/fileadmin/docs/R-SANA/SAS-SANA-WP20-Libya-Security-Sector.pdf.

Defence. Another revealing chapter on the different power centres has been the creation of the Libya Revolutionaries Operations Room (LROR) on 27 July 2013, immediately after the adoption of the political isolation law and the NFA retreat from the GNC. The LROR was created by GNC President and 'Supreme Commander of the armed forces' Nuri Abu Sahmain, who claimed the army and the police were unable to protect Tripoli, following repeated clashes between Defence Ministry-supported militias from Zintan and Interior Ministry-supported units from the SSC.

17. However, the creation of the LROR and the deployment of Misratan units to Tripoli in the same period were soon challenged by the Zeidan government and wider public opinion, following several serious security incidents in the following months. On 10 October 2013, Prime Minister Zeidan was briefly abducted by armed men he identified as LROR members during an operation that was caught on video.[77] Another major incident occurred on 15 November, when Misratan troops killed 46 people and injured 516 after a violent confrontation with protesters in the Tripoli District of Ghargour. Shortly thereafter, several ex-revolutionary units withdrew from the capital, thereby increasing the Zintani control over the security sector.

18. Meanwhile, the failure to rebuild and reform State security institutions impacted on the security in the east as well and vice-versa. When ex-revolutionary units nominally operating under the Libyan Shield forces killed dozens of protesters in Benghazi, army Chief of Staff Yusuf Mangoush resigned and the Ministry of Defence called on the Benghazi-based Special Forces to assume control over Libya Shield barracks.

B. Prior to the inauguration of the House of Representatives

19. At the start of 2014, attempts were made to break Libya's political stalemate, but failed to resolve the country's political crisis. The GNC extended its mandate beyond the original 7 February deadline until December 2014, but subsequently also decided on a new 'road map', including the organization of early elections. Soon thereafter, preparations for parliamentary elections were made, including the approval of a new electoral law by the GNC on 30 March 2014.

20. The House of Representatives (HoR, *Majlis al-Nuwaab*), was eventually elected on 25 June 2014. As elections could not be held in some parts of the country, twelve seats remained vacant. After a relatively uneventful voting process with low turnout, Islamist candidates scored significantly worse than during the July 2012 GNC elections. Subsequently, 30 members of parliament, many of them from Misrata, boycotted the HoR's inauguration session on 4 August 2014 in the town of Tobruk.

21. On the executive side, Prime Minister Ali Zeidan was dismissed by the GNC in March after several previous attempts to do so. He was replaced by the NFA-supported politician Abdullah Al-Thinni, who also kept his post of Minister of Defence. Al-Thinni's nomination was

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[77] Video on archive with the Panel.

quickly contested by the Islamist caucus of the GNC, which advanced its own candidate, Ahmed Meiteeg, a businessman from Misrata. In a controversial vote on 4 May 2014, the GNC replaced Al-Thinni by Meiteeg. Following a ruling by the constitutional court on 9 June 2014, Mr. Meiteeg stepped down peacefully, allowing for Al-Thinni to remain in charge of a caretaker government until the future HoR would appoint a replacement.

22. Meanwhile, in a move that may have been linked to events in Tripoli or the launch of Operation *Karama* in the East, Zintani militias attacked the GNC on 18 May 2014.

23. In line with previous episodes, the Islamist-leaning caucus of the GNC and the first Al-Thinni government (April to June 2014) have each tried to advance their interests through military proxies, while 'outlawing' the others. Nuri Abu Sahmain declared Zintan and their allies to be 'rogue groups outside the legitimacy of the state' and 'remains of the former regime'.[78] Likewise, Prime Minister Al-Thinni declared that the GNC-supported brigades are 'outside the control of the state'.[79]

24. During this period, and because of the persistent climate of political conflicts, UNSMIL started preparations for the launch of a national dialogue, a project that would only gain traction at the end of the year.

1. Transitional justice efforts

25. Judicial proceedings against supporters of the former regime continued despite growing instability. A Libyan court started the trial of Saif al-Islam Qadhafi for war crimes in April 2014, via video-link from the city of Zintan and in defiance of a transfer request from the International Criminal Court (ICC). A fellow defendant is former head of intelligence Abdullah Al Senussi, whose case was rejected by the ICC, judging that Libya was 'willing and able genuinely to carry out such investigation'.[80] The same trial also includes Saadi Qadhafi, who was extradited from Niger to Libya in March 2014. Other defendants accused of war crimes are reportedly being tried via video-link from Misrata.

26. Libyan judicial authorities and police are also struggling to deal with several other post-revolution issues. In July 2014, the Minister of Justice explained to the Panel that out of 17,000 prison guards, 11,000 are former members of militias. The Ministry of Interior tried to implement a law requiring permits for firearms purchases but could not enforce it.

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[78] "The GNC and government split on legality of militia attacks on Tripoli", Libya Herald, 4 August 2014, http://www.libyaherald.com/2014/08/04/the-gnc-and-government-split-on-legality-of-militia-attacks-on-tripoli/#axzz3AALXPdZ6.

[79] "PM Thinni blames GNC head Abu Sahmain for Tripoli fighting", Libya Herald, 12 August 2014, http://www.libyaherald.com/2014/08/12/pm-thinni-blames-gnc-head-abu-sahmain-for-tripoli-fighting/#ixzz3AAukrs1Q.

[80] "Al-Senussi case: Appeals Chamber confirms case is inadmissible before ICC", Press Release, International Criminal Court, 24 August 2014, http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/pages/pr1034.aspx

2. The issue of federalism

27. Meanwhile, the issue of eastern demands for federalism has faded into the background. Overall, the conflict has manifested itself more economically than politically, the main point of contention being the control of oil facilities and exports. The first half of 2014 saw several attempts by federalist figurehead Ibrahim Jadhran to export crude oil outside of Tripoli's control (see paragraphs 236 et seq.), as well as persistent blockades organised by units of the PFG with loyalties to different commanders. In July 2014, representatives of the NOC explained to the Panel that the Libyan government had reached an agreement with the Barqa Council to reopen the key ports of Sidra and Ras Lanuf, which together produce more than 600,000 barrels per day (similar to current total production). At the height of Jadhran's manoeuvring, national crude oil output dropped at times to as low as 150,000 barrels per day.

3. Acts that obstruct or undermine the successful completion of Libya's political transition

28. 2013 had been a turbulent year for Libya, and at the beginning of 2014, the status and road map of its political transition had become unclear. Ongoing power struggles had bogged down the process and because of this impasse the new road map adopted by the GNC created more clarity and a potential way out of the crisis.

29. However, the new road map did not stop the ongoing conflicts. Confrontations between politicians and between militias continued. In early 2014, different from the previous year, Zintan militias had increased their power and influence in Tripoli, after the retreat of units from Misrata. They used that military power to interfere with political affairs, potentially receiving political backing to do so. The Panel considers that these actions undermined the political process because of their very nature, further escalating tensions and thereby stalling the transition.

30. However, the Panel understands that these acts followed a chain of previous events and provocations. Libya's political institutions have been attacked by several armed groups on many occasions since 2011, many of those attacks featuring militias supporting the other side of the political divide. The Panel considers these attacks equally damaging to the transition. The Panel notes that several figures and groups were repeatedly involved in armed attacks against political opponents.

31. Despite these many obstructions, the transition could still have been revived after the HoR elections. However, the launch of operation *Fajr* and subsequent boycott of the new parliament announced a total escalation of the political as well as the military conflict. The Panel cannot find a precedent in post-revolution Libya with a similar scale and impact. Therefore, it concludes that the leadership of *Fajr* are ultimately responsible for the implosion of the political process.

C. After the inauguration of the House of Representatives

32. The new parliament voted several drastic acts during its first weeks in office, including a decree on direct presidential elections. Its call for foreign intervention on 13 August 2014, on which it later backtracked, was especially controversial within Libya and led to widespread popular protests. On 24 August 2014, the HoR replaced Army Chief of Staff Major-General Abdussalam Jadallah Al-Obeidi by Colonel Abdul Razzaq Al-Nazuri, a change contested by several senior commanders.

33. In Tripoli, some of the remaining GNC members were reluctant to transfer their powers, challenging the legitimacy of the HoR meetings in Tobruk. GNC speaker Nuri Abu Sahmain refused to step down. At the GNC's request, the Constitutional Circuit of the Supreme Court set itself a deadline to rule on the legality of these meetings by 24 August 2014. It was not until 6 November 2014 that the Tripoli-based Supreme Court reached a verdict stating that the roadmap leading to the election new parliament had been "unconstitutional".[81] The ruling caused controversy involving allegations on the replacement of judges and intimidation of the court, which relies on *Fajr* units for its security. Unsurprisingly, HoR Speaker Agila Saleh Issa reaffirmed that the HoR and the Libyan government would continue to operate.

34. Internationally, the decision was – and continues to be – 'studied', and diplomatic interlocutors of the Panel refrained from commenting. Throughout, the HoR in Tobruk and the Al-Thinni government in Al Bayda continued to be recognized by the international community as the only legitimate legislative and executive branches of government, as shown in statements from the the Arab League, OPEC, Algeria, Egypt, France, Germany, Italy, Qatar, Saudi Arabia, Spain, Tunisia, Turkey, the United Arab Emirates, the United Kingdom, the United States, the European Union, and United Nations..

35. On the executive side, the HoR was quick to re-appoint Prime Minister Al-Thinni on 1 September 2014, but took much longer to approve his fellow ministers, insisting that Al-Thinni propose a small crisis cabinet. In Tripoli, 70 GNC members 'appointed' Omar Al-Hassi as prime minister of a 'national salvation government' on 25 August 2014.

36. Concerning the military, the Hassi government continued to recognize General Abdulsalam Al-Obaidi as Chief of Staff. He claimed to maintain a neutral position but appears to have a limited control on events. *Karama's* 'integration' into the Libyan army continued to create division within the HoR. However it appears to have been further consolidated in January 2015 after HoR speaker Aqila Saleh Qoweidar, announced that he had reinstated 127 retired army officers, including Haftar and Geroushi, under his authority as 'supreme commander of the armed forces'. Haftar's reenlisting provides a certain degree of legitimacy to the significant influence he has had on the Libyan government's military decision making process.

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[81] The Panel is not in a position, nor does it have the expertise, to explain the ruling, which some observers consider to be opaque.

1. The influence of religious authority

37. The complex correlation between politics and religion deepened the political and military conflict. Sadiq Al-Ghariani was appointed *Mufti* (highest religious authority) by the National Transitional Council (NTC) in February 2012. His speeches and religious decrees have reinforced the power of religious hardliners and their allied militias. After the fall of Tripoli into the hands of Operation *Fajr*, he congratulated "the revolutionaries in their victory", and gave "his blessing to the martyrs".[82] He urged *Fajr* to use "a firm hand to consolidate the victory" they gained on the battlefield.[83] In a television interview in early June, he stated that those who were fighting on the side of Haftar were "dying ignorant". As for those who died fighting him, "they are martyrs, who sacrificed their lives for God".[84] Several vocal HoR members have accused him of inciting terrorism through his *fatwas*.

38. Al-Ghariani's advocacy of conservative social values and the manipulation of Islamic teachings in his *Fatwas* (religious decrees) in favour of one faction against another had turned him into a polarizing figure in Libyan public life. His public statements also showed explicit support for the GNC and the Al-Hassi government. Earlier in 2014, he had called for gender segregation at schools and universities, and also issued a *fatwa* prohibiting Libyan women from marrying foreigners. He also condemned the UN Report on Violence Against Women and Girls.[85] Apart from ideological motivations, the Panel received several allegations that Al-Ghariani received large sums of money in exchange for his *fatwas* and public statements. Mustafa Abdel Jalil, who had appointed him as Grand Mufti in 2012, said "The Mufti has lost the confidence of Libyans and according to the law that brought him into office, he is no longer eligible to serve as Mufti".[86]

39. The HoR summoned Al-Ghariani for a hearing in Tobruk in September 2014, but he did not attend. On 9 November 2014, the HoR decided to relieve him of his post and to dissolve the Dar Al-Ifta (religious decree authority). Previously, an "increased interest in his activities" by the United Kingdom government was reported in the British press in August 2014. In the same period, Al-Ghariani had "fled" the United Kingdom for Qatar.[87]

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[82] Chris Stephen, Josh Halliday, "UK accused of harbouring Libyan cleric who helped aid Islamist insurgency", The Guardian, 29 August 2014, http://www.theguardian.com/politics/2014/aug/29/uk-accused-libyan-grand-mufti-sadik-al-ghariani

[83] Patrick Sawer, "Radical cleric uses UK as base to preach in support of violent Islamists", The Telegraph, 30 August 2014, http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11065715/Radical-cleric-uses-UK-as-base-to-preach-in-support-of-violent-Islamists.html.

[84] "Libya's grand mufti calls for jihad against Hifter", AlMonitor, 11 June 2014, http://www.al-monitor.com/pulse/ar/security/2014/06/libya-grand-mufti-fatwa-jihad-hifter.html#ixzz3PIF9PjeH.

[85] Susan Jones, "Libya's Grand Mufti Issues Fatwa against U.N. Report on Women's Rights", CNS News, 12 March 2013, http://www.cnsnews.com/news/article/libyas-grand-mufti-issues-fatwa-against-un-report-womens-rights

[86] Interview with Mustafa Abdel Jalil on Libya Channel, GoodMorningLibya, Youtube, 10 June 2014, https://www.youtube.com/watch?v=3gbkOkjBzeQ.

[87] "Libya's spiritual leader leaves UK after directing Islamist takeover of Tripoli", The Guardian, 31 August 2014, http://www.theguardian.com/world/2014/aug/31/libya-spiritual-leader-leaves-uk-islamist-tripoli-exeter

2. Struggle over Libya's other institutions

40. The struggle over the country's legislative and executive power was quickly followed by further competition over other key State institutions. Attempts were made on both sides to replace diplomats in order to seize control over diplomatic missions including the United Nations, Malta, Turkey, Jordan, Uganda and several others.[88]

41. Early September, the HoR also announced the dismissal of Central Bank Governor Saddek Elkaber who had stayed in Tripoli. However, the Panel understands from well-informed sources that Mr. Elkaber retains the power of signature, leaving his HoR replacement, Ali Hibri, with limited influence. The Central Bank continues to pay the salaries of 1.7 million public employees, including armed militias on both sides of the political divide.[89]

42. The renewed GNC, on the other hand, appointed rival management for the major state owned businesses NOC, LIA and LAIP. The GNC's attempts to take control over the oil sector have been especially persistent, including military operations against oilfields and terminals.

3. The Constitutional Drafting Assembly

43. The constitutional drafting process, which was initiated on 20 April 2014, is caught in the middle of the ongoing struggles. That said, it is potentially the only uncontested process within Libya's transition that remains. Libya's elected Constitutional Drafting Assembly (CDA), headed by Ali Tarhouni, was originally supposed to complete its task within 120 days but it interpreted the HoR's amendment of the Constitutional Declaration as an implicit extension of its deadline from 120 days to eighteen months.

44. The CDA was subjected to pressure from both Tripoli and Tobruk. In late November, both the GNC and HoR requested an update on the progress of its work. On 24 December 2014, the Assembly announced that it would publicly distribute a preliminary text of key elements of the constitution.

4. Acts that obstruct or undermine the successful completion of Libya's political transition

45. By the second half of 2014, the political escalation had reached such a level that it became difficult to describe ongoing processes as a transition. In fact, after months of increasing difficulties, *Fajr* effectively brought Libya's transition to a halt and the country relapsed into a war situation. The HoR's response to the crisis, including several 'unhelpful' decisions, shows that the situation on both sides has become thoroughly entrenched.

46. Furthermore, the Panel concludes from conversations with international diplomats that the attempts by both conflict parties to gain control over additional state institutions, within the

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[88] The Panel witnessed scenes related to these dynamics on three different occasions and locations.

[89] David Kirkpatrick, "Wider Chaos Threatens as Fighters Seize Branch of Libya's Central Bank", The New York Times, 22 January 2015, http://www.nytimes.com/2015/01/23/world/africa/libyan-fighters-seize-benghazi-branch-of-central-bank.html?_r=0.

sphere of influence of the other 'camp', further undermine Libya's credibility as a political entity. Consequently, this is likely to slow down future efforts to restart the country's political transition.

Annex 17 Potential transfers from Italy

1. Having interviewed two individuals who were involved in an official investigation, the Panel established that a large quantity of military materiel, confiscated in 1994 from a vessel called Jadran Express by Italy following a violation of the United Nations arms embargo against the former Yugoslavia, was not destroyed despite a court ruling to that effect. The materiel, all Warsaw Pact standard, was stocked for several years at a naval base on the island of Santo Stefano, off the northern coast of Sardinia. The same sources also confirmed that the items on the list in the press article were brought to and stored in Santo Stefano.

2. The presence of Warsaw Pact standard materiel at this base was further confirmed when the Italian government announced in August 2014 that it would deliver AK-47 assault rifles and RPG missile launchers to Kurdish Peshmerga fighters in Iraq, while revealing San Stefano as the source of this weaponry.

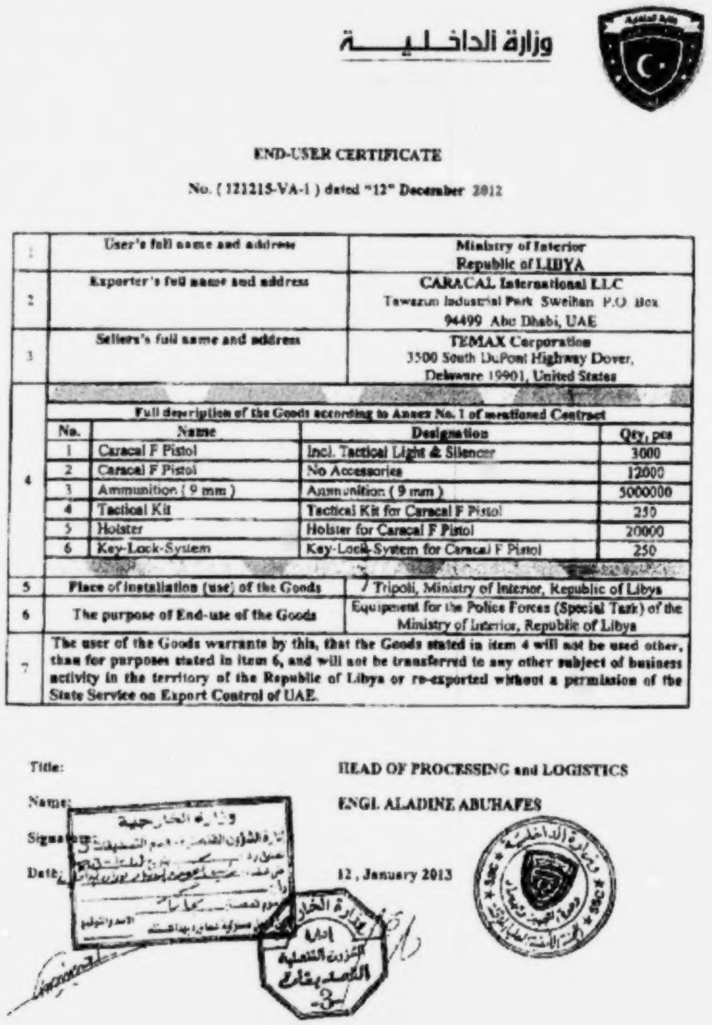
3. Furthermore, following discussions with a judge and a journalist who have both conducted extensive investigations into the event, the Panel was able to confirm that four army trucks loaded a cargo at the same army base on 19 May 2011, shortly after the start of the Libyan revolution. The Panel obtained further details about how the transport on the island of Sardinia and to Italy's mainland was organized, indicating that the cargo constituted a security risk. The same sources claimed that no precedent of such a transport had previously been reported. Furthermore, a judicial investigation into the final destination of these transports was blocked after army commanders in both Cagliari and Civitavecchia invoked 'state security'.

4. Finally, three well-placed sources (two in Italy and one in Libya), claimed to have received inside information of Italian arms deliveries to Libyan rebels, during the early stages of the 2011 revolution. The Panel is in the process of corroborating this information. However, one source provided information linking the ex-Jadran Express arms stocked at Santo Stefano with an alleged delivery of arms by Italy to Benghazi in June 2011, claiming that the shipment included Fagot missiles. This weapon type features on the list of ex-Jadran weapons previously stocked at Santo Stefano and was not part of the 2014 delivery of ex-Jadran Express arms to the Peshmerga.

5. The Panel sent a second request for information to Italy, after which it met with a senior representative of the Italian Ministry of Defence in January 2015. The representative confirmed the information under paragraphs 1 and 2 above. He added that the Jadran Express arms were only transferred from the Ministry of the Interior to the Ministry of Defence on 20 August 2014. He confirmed that the events under paragraph 3 are subject to state security, which complicated the sharing of information with the Panel. Finally, he denied the allegations under paragraph 4, stating that there were no records of any such events in the archives of the Ministry of Defence.

Annex 18 Transfers from the United Arab Emirates

Procurement documents related to arms transfers from the United Arab Emirates: EUC and air waybill.



وزارة الداخليـــة

END-USER CERTIFICATE

No. (121215-VA-1) dated "12" December 2012

1	**User's full name and address**	**Ministry of Interior** **Republic of LIBYA**
2	**Exporter's full name and address**	**CARACAL International LLC** Tawazun Industrial Park Sweihan P.O Box 94499 Abu Dhabi, UAE
3	**Sellers's full name and address**	**TEMAX Corporation** 3500 South DuPont Highway Dover, Delaware 19901, United States

4 — Full description of the Goods according to Annex No. 1 of mentioned Contract

No.	Name	Designation	Qty, pcs
1	Caracal F Pistol	Incl. Tactical Light & Silencer	3000
2	Caracal F Pistol	No Accessories	12000
3	Ammunition (9 mm)	Ammunition (9 mm)	5000000
4	Tactical Kit	Tactical Kit for Caracal F Pistol	250
5	Holster	Holster for Caracal F Pistol	20000
6	Key-Lock-System	Key-Lock-System for Caracal F Pistol	250

5	**Place of installation (use) of the Goods**	Tripoli, Ministry of Interior, Republic of Libya
6	**The purpose of End-use of the Goods**	Equipment for the Police Forces (Special Task) of the Ministry of Interior, Republic of Libya
7	**The user of the Goods warrants by this, that the Goods stated in item 4 will not be used other, than for purposes stated in item 6, and will not be transferred to any other subject of business activity in the territory of the Republic of Libya or re-exported without a permission of the State Service on Export Control of UAE.**	

Title: **HEAD OF PROCESSING and LOGISTICS**

Name: **ENGI. ALADINE ABUHAFES**

Signature:

Date: **12 , January 2013**

وزارة الخارجية

إدارة الشؤون القنصلية

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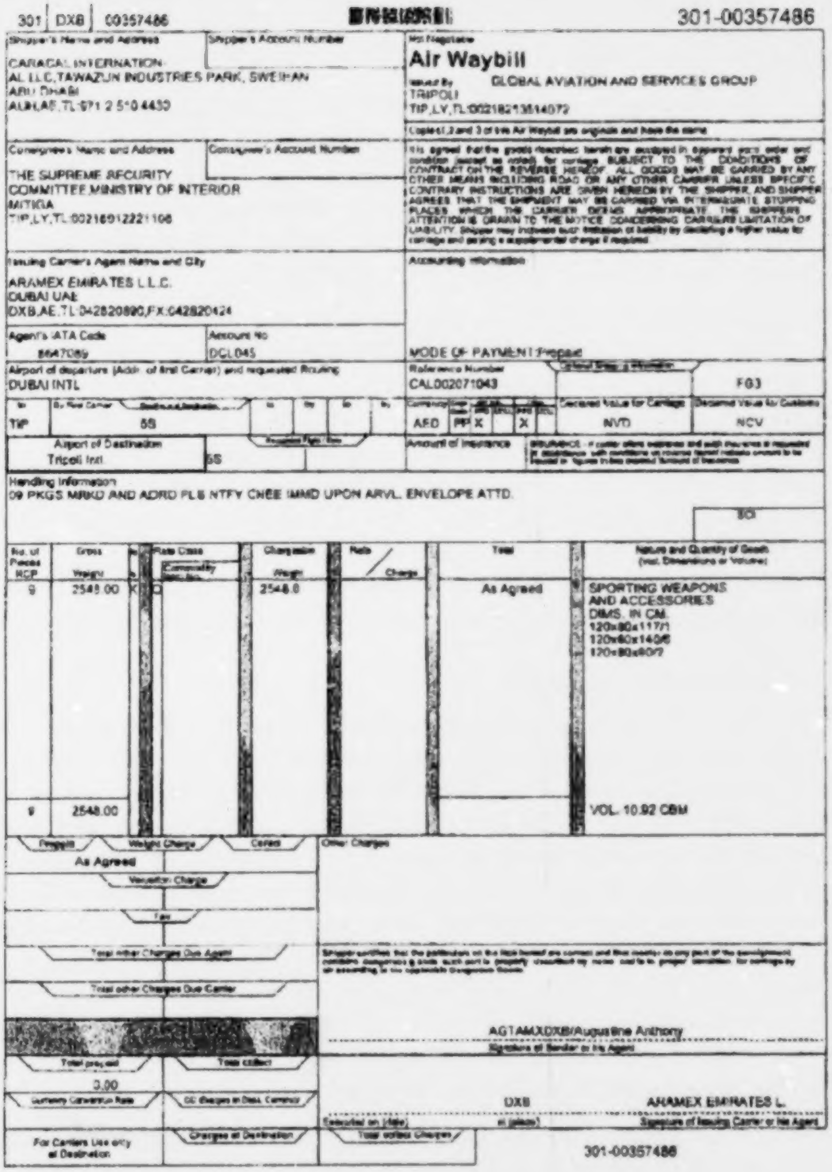

301 DXB 00357486

301-00357486

Shipper's Name and Address
CARACAL INTERNATION-
AL LLC,TAWAZUN INDUSTRIES PARK, SWEIHAN
ABU DHABI
AUH,AE,TL:971 2 5*0 4430

Shipper's Account Number

Not Negotiable
Air Waybill
Issued By GLOBAL AVIATION AND SERVICES GROUP
TRIPOLI
TIP,LY,TL:00218213614072

Copies 1,2 and 3 of this Air Waybill are originals and have the same

It is agreed that the goods described herein are accepted in apparent good order and condition (except as noted) for carriage SUBJECT TO THE CONDITIONS OF CONTRACT ON THE REVERSE HEREOF. ALL GOODS MAY BE CARRIED BY ANY OTHER MEANS INCLUDING ROAD OR ANY OTHER CARRIER UNLESS SPECIFIC CONTRARY INSTRUCTIONS ARE GIVEN HEREON BY THE SHIPPER, AND SHIPPER AGREES THAT THE SHIPMENT MAY BE CARRIED VIA INTERMEDIATE STOPPING PLACES WHICH THE CARRIER DEEMS APPROPRIATE. THE SHIPPER'S ATTENTION IS DRAWN TO THE NOTICE CONCERNING CARRIER'S LIMITATION OF LIABILITY. Shipper may increase such limitation of liability by declaring a higher value for carriage and paying a supplemental charge if required.

Consignee's Name and Address
THE SUPREME SECURITY
COMMITTEE,MINISTRY OF INTERIOR
MITIGA
TIP,LY,TL:00218912221106

Consignee's Account Number

Issuing Carrier's Agent Name and City
ARAMEX EMIRATES L.L.C.
DUBAI UAE
DXB,AE,TL:042820890,FX:042820424

Accounting Information
MODE OF PAYMENT:Prepaid

Agent's IATA Code: 8647089
Account No: DCL045

Airport of departure (Addr. of first Carrier) and requested Routing: DUBAI INTL

Reference Number: CAL002071043
Optional Shipping Information: FG3

To	By First Carrier	To	By	To	By	Currency	WT/VAL PPD	COLL	Other PPD	COLL	Declared Value for Carriage	Declared Value for Customs
TIP	5S					AED	PP X		X		NVD	NCV

Airport of Destination: Tripoli Intl
Requested Flight/Date: 5S
Amount of Insurance

Handling Information
09 PKGS MRKD AND ADRD PLS NTFY CNEE IMMD UPON ARVL. ENVELOPE ATTD.
SCI

No. of Pieces RCP	Gross Weight	kg lb	Rate Class / Commodity Item No.	Chargeable Weight	Rate / Charge	Total	Nature and Quantity of Goods (incl. Dimensions or Volume)
9	2548.00	K	Q	2548.0		As Agreed	SPORTING WEAPONS AND ACCESSORIES DIMS. IN CM. 120x80x117/1 120x80x140/6 120x80x80/2
9	2548.00						VOL. 10.92 CBM

Prepaid	Weight Charge	Collect
As Agreed		
	Valuation Charge	
	Tax	
	Total other Charges Due Agent	
	Total other Charges Due Carrier	
Total prepaid		Total collect
0.00		
Currency Conversion Rate		CC Charges in Dest. Currency
For Carriers Use only at Destination	Charges at Destination	Total collect Charges

Other Charges

AGTAMXDXB/Augustine Anthony
Signature of Shipper or his Agent

Executed on (date) DXB at (place) ARAMEX EMIRATES L. Signature of Issuing Carrier or its Agent

301-00357486

Annex 19 Transfers to the Ministry of Defence (2012 to mid-2014)

Charso Limited

1. Charso Limited, a company registered in Cyprus, has brokered numerous arms contracts between various companies and the Libyan authorities in the past two years. Transfers related to these contracts were notified by Belarus and Serbia. Charso's representative, Slobodan Tešić, a Serbian national, travelled several times to Libya in 2013 to meet representatives of the Ministry of Defence. At the time, he was subject to the travel ban measure contained in resolution 1521 (2003) concerning Liberia. He was de-listed on 29 November 2013.

2. The Panel made enquiries with Cyprus about the brokering firm. Cyprus responded that Charso Limited had been registered in Cyprus since 2012 and that the authorities had contacted the director of the company. The latter stated that she did not know Mr. Tešić and that the company had not requested any export licences for any transfers for the export of military materiel to Libya. She explained that she does not possess any documents such as invoices, bills of lading, cargo manifests or any payment information regarding such transactions. This contradicts information provided by the Libyan, Serbian and Belarus authorities which all confirmed that Charso Limited has brokered several transfers of military materiel to Libya since 2013. This illustrates how arms brokering companies exploit the traditional lack or weaknesses of regulations and control over brokering activities to conduct business (see Recommendation 12).

Deliveries of notified materiel by Belarus

3. The Panel contacted Belarus twice and requested detailed records, including precise dates and locations of all deliveries, the materiel delivered and the identity of the recipient of the cargo in each potential location. Belarus responded that as of 20 May 2014, 29 flights had taken place from Belarus to Libya (this was confirmed by the flight data obtained by the Panel from an official source; some flights making several stops in Libya). Furthermore, Belarus reported that Charso Limited had provided delivery certificates, signed by the Libyan Ministry of Defence. However, Belarus did not share these delivery certificates or any details of the delivery location(s), which has prevented monitoring by the Panel. The Panel discussed the issue with representatives of the MPD in early July 2014, who stated that while the MPD had representatives in charge of overseeing the unloading process of materiel for the Ministry of Defence in most airports, they had not been aware of any of these deliveries. This raises questions about the real end-users of many of these shipments.

4. From February to May 2014, the data indicated that while some deliveries were made to Tripoli, Tobruk and Labraq, numerous deliveries had been made to airports which were not under the control of the national authorities or of armed groups aligned with them. These

included five flights each to Mitiga, Misrata, and Sebha, which were at that time under the control of groups which are now aligned to *Fajr*.[90]

5. Since May 2014 and the launch of Operation *Karama*, the Panel has witnessed a change in the pattern of deliveries: flights were solely made to airports under the control of groups aligned with the Libyan government (two to Benghazi two days before the launch of the Operation and fifteen to Tripoli International Airport), indicating a clear change in management of the Belarus deliveries.

6. The Panel also asked Cyprus where the brokering company was registered, whether they could provide information regarding the places of delivery, and who the recipients of the shipments were. Cyprus did not provide any information about this (see paragraph 2 above).

Transfers and potential transfers to the air force

7. The Panel obtained procurement documents regarding Mi-35 helicopters, contracts for which were being negotiated between a procurement Committee of the Ministry of Defence, a different body from the MPD, and several companies registered in Bulgaria, the Seychelles and South Africa. The Committee has received no notifications involving these companies, so the Panel contacted the three mentioned Member States to establish whether any materiel had been transferred to Libya, and to obtain relevant documentation. While Bulgaria stated that the company registered in Bulgaria had not applied for an export licence since February 2011, the Seychelles and South Africa have not yet responded.

8. Finally, in order to identify post-embargo transfers of aircraft, the Panel requested NATO and some of the countries which participated in the NATO Operation *Unified Protector* to provide information about the status of the Libyan air force fleet at the end of the revolution. To date, while France and Belgium have responded with some details, NATO, Italy, the United States and the United Kingdom have not yet shared any such information with the Panel.

Non-lethal transfers to the Ministry of Defence

9. Since the adoption of resolution 2095 (2013), transfers of non-lethal military materiel to the Libyan government are no longer subject to the arms embargo. However, this type of materiel, including armoured vehicles and communications equipment, is of significant interest to armed groups, as these increase their military capabilities. Diversions to non-state actors of such materiel purchased by the Libyan government through direct transfers or theft have been reported by Libyan and international sources.

10. In this regard, the Panel contacted several companies which transferred armoured vehicles to unclear end-users.

11. The Panel has received information about transfers of armoured vehicles by Streit Group, a company based in the United Arab Emirates, to the Ministry of Defence, which do not constitute

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[90] One flight (plane type IL 76) can transport around 45 tons of military materiel.

a violation of the arms embargo. However, the identity of the final end-user of the transfers remains unclear and the Panel decided to investigate the matter further. Documents provided by a second source indicate that Streit has been transferring a significant number of armoured vehicles, including Typhoon armoured personnel carriers (APC), to Libya over the past few years through a range of broker agents to end-users that are not yet clearly identified.

12. The Panel contacted Streit to clarify the chain of custody of this materiel, including which parts of the Libyan national authorities were eventually delivered to. To date, Streit has not responded.

13. The Panel is also investigating transfers of armoured vehicles from another Gulf based company which have been documented in Libya under the control of armed actors, including Zintan brigades.

14. Furthermore, there has been a high demand for vehicles such as pick-up trucks during recent conflicts in Libya. Analysis of maritime traffic data indicates that the number of Roll-On-Roll-Off (RO-RO) vessels, which carry wheeled cargo, docking at Libyan ports has significantly increased since the resurgence of the armed conflict in Libya. Although not a military asset, pick-up trucks are mounted with many types of weapon systems by belligerents, converting them into 'technicals' that are key to warfare. The proliferation of pick-up trucks from Libya was also raised as a security challenge by the Chadian authorities, who have forbidden the use of certain models of the vehicles by civilians (see Recommendation 8).

Annex 20 Diversion of materiel destined for the European Border Assistance Mission

1. Following a request from the Panel, the EU provided detailed information regarding the circumstances of the theft, both in writing and during a meeting with the Panel in Tripoli in July.

2. The private company that arranged the export from Malta to Libya, GardaWorld, informed EUBAM that the cargo had arrived at Tripoli International Airport on 10 March 2014. However, the shipment was blocked by customs owing to missing clearance documents, which had not been required on previous occasions. On 17 March 2014, GardaWorld returned to collect the shipment with the requested documents, but the materiel had been removed by person or persons unknown.

3. The stolen materiel includes: 23 Oberland OA-15 assault rifles and accessories, 70 9mm Glock handguns, 21,200 rounds of .223 Remington and 20,850 rounds of 9x19mm ammunition.

4. From the location of the theft, and from discussions with GardaWorld, it appears that members of the brigades that controlled the airport were likely to have been involved. The EU sent several notes verbales to the Libyan authorities, but no known follow-up investigation has been conducted.

5. While the end-user certificate was signed by the EU delegation to Libya, the purchase was managed by GardaWorld, and during the Panel's meeting with both parties in Tripoli, they expressed different views about the ownership of the weapons. While GardaWorld asserted that the weapons were only to be used for the protection of the EU delegation, it was not clear what would become of them once the contract with the EU ended or the EU left Libya.

6. During the meeting in Tripoli, the EU delegation informed the Panel of the additional loss of two handguns under their control. The first was stolen from a close protection officer in 2013, and the second from a car at the airport in 2014.

Annex 21 Transfers to the civilian black market

1. In its previous reports, the Panel mentioned the significant illicit trafficking of hunting rifles/shotguns and cartridges, blank firing pistols, handguns and related ammunition for the Libyan civilian black market (see S/2013/99 paragraphs 108 to 111 and S/2014/106 paragraphs 60 to 80). The Panel visited several stalls and shops during the previous mandate and reported several seizures of this type of materiel on its way to Libya by Greece, Malta and Turkey.

2. Blank pistols have been a very popular item since the end of the revolution. Interviews with shop keepers in Misrata and Tripoli in 2013 and 2014 indicate that one stall can sell up to 25 pieces a day and that prices are around 100 to 150 dollars which is roughly 50 times cheaper than a live pistol. Blank pistols, such as Blow 92s (see below Picture 1), are often transformed in Libya to fire live ammunition; this type of materiel is therefore of significant concern.

3. In Tripoli, Rachid Street is one of the main locations in which this type of arms and ammunition can be found for sale (see Picture 3 and Picture 4 in main body of the text). Shopkeepers stated that most of the materiel was entering Libya from Turkey through the ports of Khoms and Misrata.

4. Such materiel is also prone to proliferation outside the country: the Panel has documented smuggling of such materiel to Tunisia in 2013 and 2014 and the Egyptian authorities also reported similar seizures in 2014 (see Annex 33). Information provided to the Panel also indicates that such materiel coming by boat into the north of Libya is being sold in cities in the south and smuggled onwards to neighbouring Niger, Chad and Sudan.

5. Some countries do not require licenses for the export of hunting rifles, shotguns and related cartridges, or blank pistols and related materiel, and therefore do not control transfers of such materiel (see paragraph 8 below). The Panel made a recommendation to Member States about this issue in its previous report (see paragraph 285 (b) of S/2014/106). The Committee issued a press release on 13 October 2014 in this context.[91]

Reported case of seizure in Benghazi

6. On 20 April 2014, a media article reported the seizure of two containers of hunting cartridges in the port of Benghazi.[92] The Panel met with the Maritime Affairs Department of the Libyan Ministry of Transport in July 2014 and requested additional information regarding the seizure. A response is still awaited.

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[91] "Security Council Committee Concerning Libya Issues Additional Guidance on Arms Embargo Related Matters", Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya, 13 October 2014, SC/11597, http://www.un.org/press/en/2014/sc11597.doc.htm.

[92] سالم العبيدي، "ضبط حاويتي ذخيرة بحظيرة قنودة في بنغازي"، بوابة الوسط, 20 April 2014, http://www.alwasat.ly/ar/news/libya/14149/

Update about the seizure of the Alexandretta's cargo (Greece, January 2013)

7. During this mandate, the Panel was granted access to the materiel seized in 2013 from the vessel Alexandretta (hunting rifles, shotguns, hunting cartridges, blank pistols and ammunition, sodium bicarbonate), a ship belonging to Khafaji Company which had previously been involved in another violation of the arms embargo reported by the Panel (see S/2013/99 paragraphs 171 to 182). No prosecution has been initiated by Greece regarding this violation. According to documents provided by the Greek and the Turkish authorities, the materiel was exported from Turkey and the consignee was a Turkish company, Ozkursan.[93]

8. Turkey confirmed that this export was made by Ozkursan and explained that such equipment is not considered by Turkish law as 'war materiel' and is therefore not subject to licencing. In May 2013, Turkey contacted the Committee to clarify whether this type of materiel was subject to the arms embargo. Following the response of the Committee, Turkey drafted 'guidelines regarding the restrictions and procedures to be followed on transfers of arms and military materiel to Libya'. These guidelines were distributed to all producers and exporters of such materiel.

9. According to Turkey, Ozkursan submitted four export notifications in 2012 and two in 2013 to Al Sayad For Hunting Equipment (a Libyan company based in Khoms), the consignee of the materiel found onboard the Alexandretta. They also mentioned that no transfer to Libya has been made by Ozkusan since January 2013.

10. The Panel provided Turkey with sample pictures of the inspected materiel. Turkey confirmed that while several of the items were of Turkish production,[94] some materiel was also of Italian manufacture. The Panel will contact Italy in this regard.

11. The Panel notes that Blow 92 blank pistols produced by Zira Silah Sanayi Tic. Ltd. Sti[95] (see Picture 1) are very popular in Libya where people use them with live ammunition. Blow 92s have been documented in Tripoli, in Sebha and in seizures made in Tunisia of materiel coming from Libya.

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[93] http://www.ozkursan.com.tr/

[94] Including from the following companies: MKE, http://www.mkek.gov.tr/tr/default.aspx; Kralav Sanayii, http://www.kralav.com/; Doruk Silah, http://www.doruksilah.com.tr/; Yavascalar for *Cheddite* cartridges.

[95] http://zirasilah.com.tr/index.php?/tr/Kurumsal#.

Picture 1: Samples of materiel seized from the Alexandretta

Source: Panel of Experts, Greece, November 2014

Seizures in Malta

12. In 2013 and 2014, Malta prevented two smuggling operations of ammunition to Libya.

13. In its previous report, the Panel documented the seizure of 22,000 rounds of ammunition (9x19mm and .38) manufactured in Malta and intended to be delivered to Libya in September 2013 (see S/2014/106 paragraphs 77 to 80). The smuggling network involved a Libyan national, Feraj Yacoub, and two Maltese nationals, Mario Farrugia and Michael Azzopardi. The latter had already been involved in violation of the arms embargo reported by the Panel in 2013 (see S/2013/99 paragraphs 109 to 111). Malta provided an update about the case in December 2014, and explained that while Mr. Farrugia has already been tried and found guilty of firearms offences, the case against Mr. Yacoub and Mr. Azzopardi was still *sub-judice*. Malta also confirmed that this network had already undertaken two or three transfers of ammunition to Libya prior to this seizure. Malta informed that it was still trying to identify the vessel and the individuals responsible for the transportation of the ammunition to Libya and would update the Panel in due course.

14. Following a 7 May 2014 media report of the arrest of a Libyan citizen trying to smuggle ammunition to Benghazi,[96] the Panel contacted the Maltese authorities to obtain additional information. The Maltese authorities confirmed the arrest and explained that on 6 May 2014, 1,000 rounds of 9x19mm ammunition had been discovered in luggage during the screening process at Malta International Airport. The luggage was checked onto flight KM698 to Benghazi and belonged to a Libyan national, Aiman Saleh Farag El Lawati, born in Benghazi and living in Malta. He admitted his intention to collect the ammunition upon arrival at Benghazi airport. In an update provided to the Panel in December, Malta explained that the case was still *sub-judice* and that the investigations had so far not yielded any further information about the provenance of the ammunition. The Libyan citizen confessed that he had planned to use the ammunition to ensure the protection of his family in Libya.

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[96] "Libyan denies trying to smuggle bullets to Benghazi", Times of Malta, 7 May 2014, http://www.timesofmalta.com/articles/view/20140507/local/libyan-denies-trying-to-smuggle-bullets-to-benghazi.518069

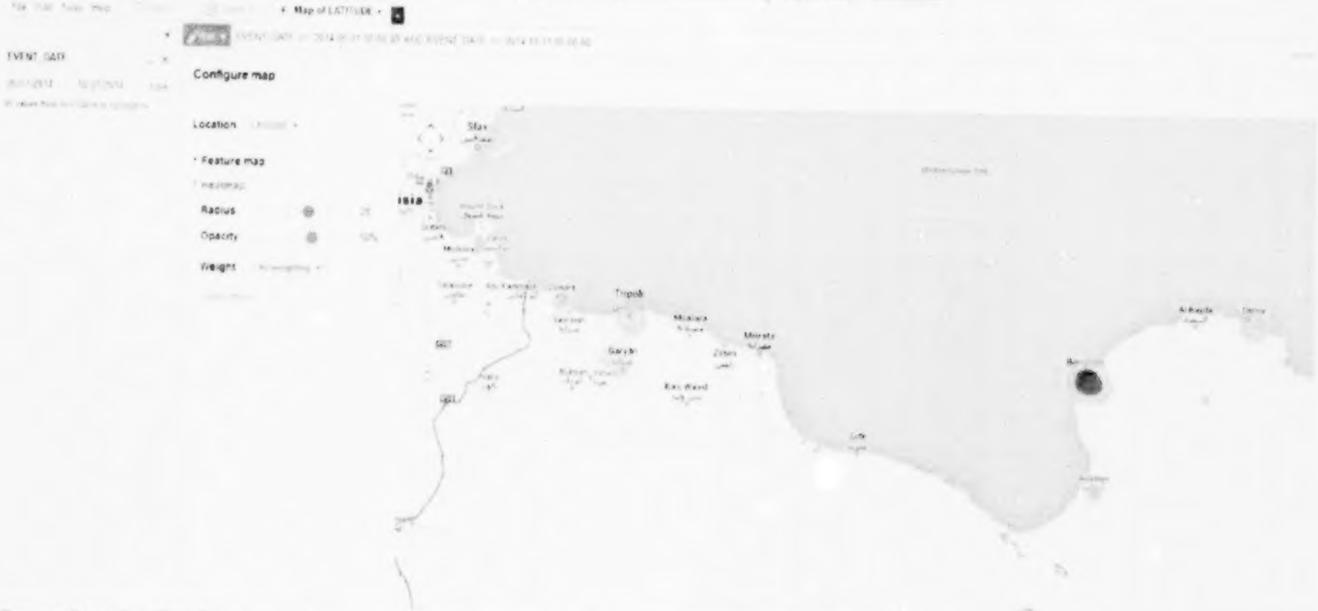
Seizures in Turkey

15. On 29 May 2014, Turkey submitted an inspection report to the Committee regarding the seizure of embargoed goods destined for Libya made in April 2014 in Ambarli Port in Istanbul. Turkey had inspected two containers declared as containing "plastic nightstands", and discovered 499 "air/sound pistols", 490 gun barrels and related spare parts, and 335,000 shotgun cartridges. While the consigner was a Turkish-based company, the two consignees were based in Misrata. The Panel unsuccessfully tried to contact them on several occasions. The report stated that a legal procedure was initiated and that Turkey would share additional information when available. The Panel asked Turkey for additional information.

16. Turkey provided the Panel with an update regarding the case of the vessel Al-Entisar, which was apprehended in Istanbul in April 2013 while transporting embargoed goods to Libya (see paragraphs 183 to 188 of S/2013/99). It was explained that in March 2014, the captain of the ship, Isam Mohammed Abdurrahman Abuzaid, a Libyan citizen, and his collaborator were found guilty of violating Turkish law, and sentenced to 10 years imprisonment and a fine. These individuals appealed the judgement and Turkey indicated that further information would be shared once available. Turkey also provided additional documents, including the Port Clearance which indicates that the port of destination was Tripoli. The Panel still awaits information regarding the origin of the materiel and continues to wish to access the materiel.

Annex 22 Map of air strike concentration – time comparison

Figure 7: Air strike concentration (May-October 2014) – 44 reports of strikes executed by *Karama*, 9 claimed


Map of LATITUDE
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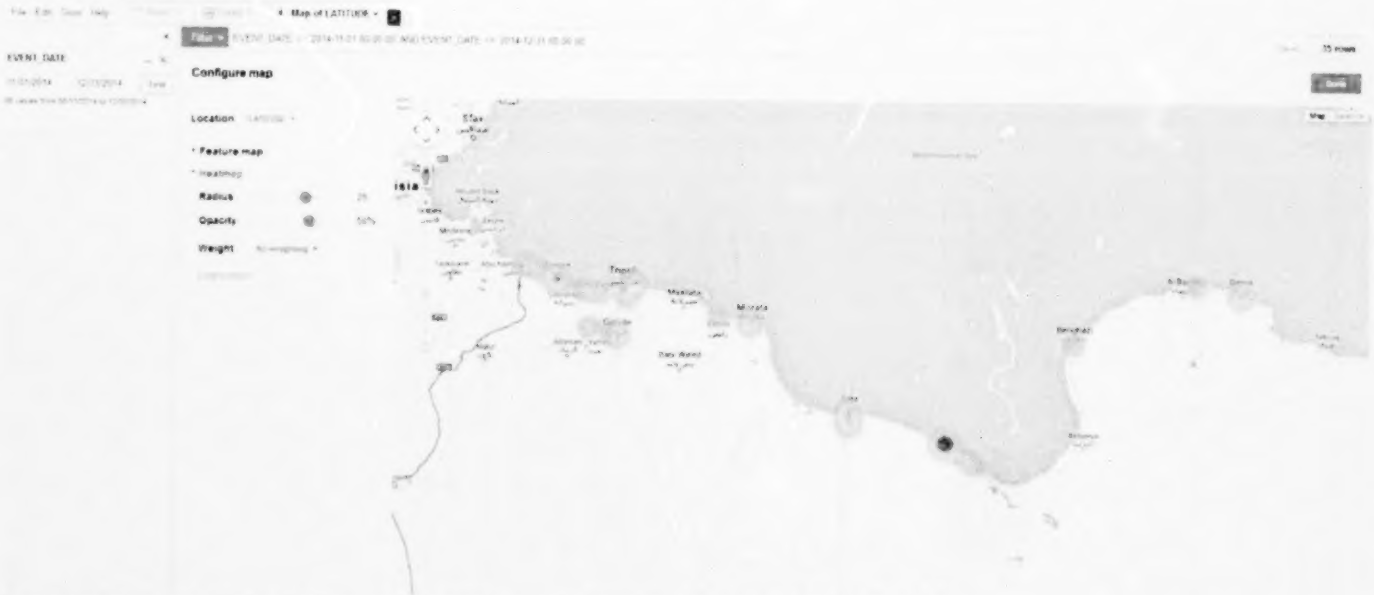
Radius
Opacity
Weight
Sfax
Tripoli
Gharyan
Misrata
Zliten
Bani Walid
Sirte
Benghazi
Al Bayda
Derna

Source: data taken from http://www.annexmap.net/libya (password: PoEL2014), displayed via Google Fusion Tables

Figure 8: Air strike concentration since the counter-offensive against *Fajr* in West (November-December 2014) – 35 reports of strikes executed by *Karama* (see paragraph 90)



Map of LATITUDE
Filter
EVENT_DATE
Configure map
Location
Feature map
Heatmap
Radius
Opacity
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35 rows
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Map
Sfax
Tripoli
Msallata
Misrata
Bani Walid
Benghazi
Derna

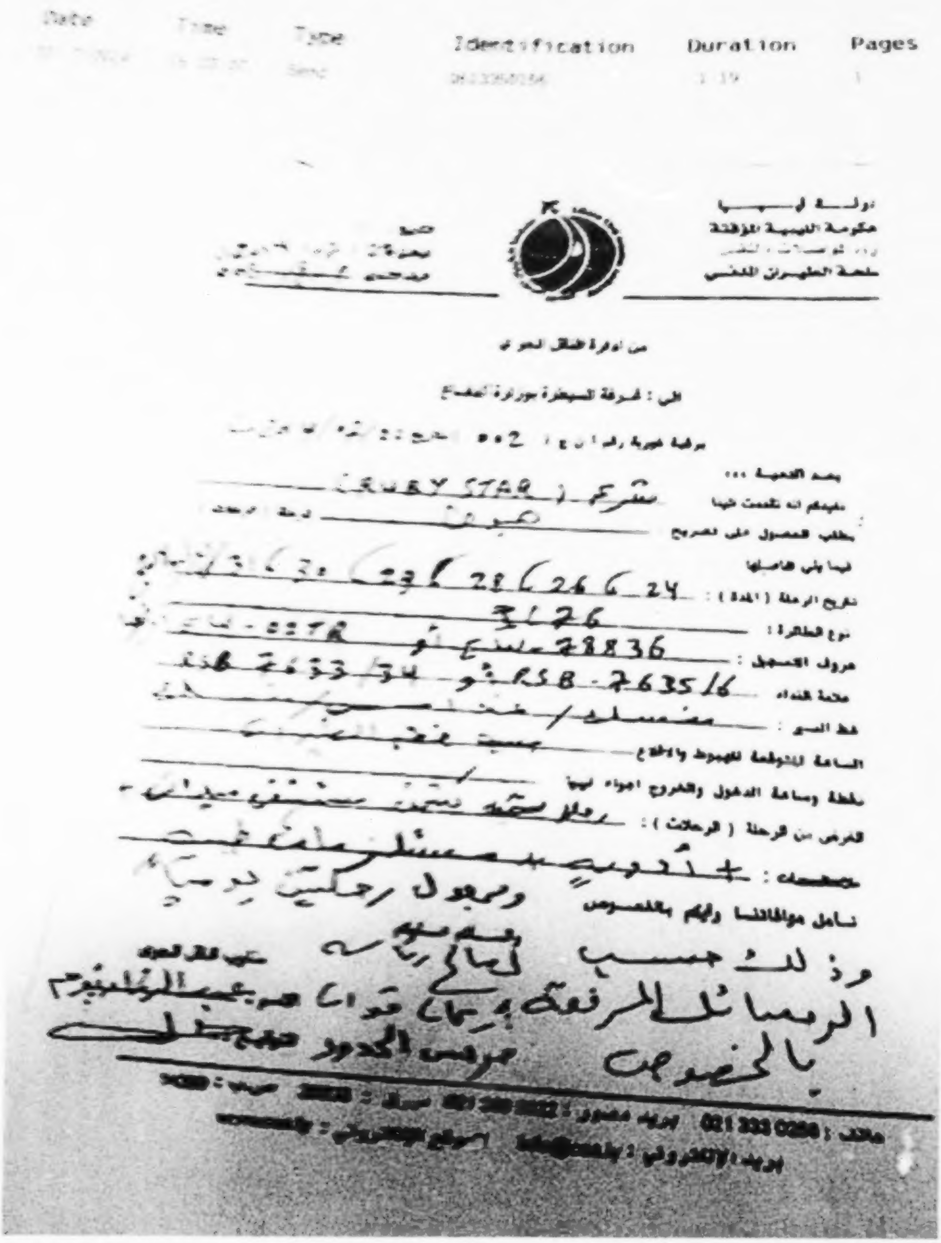
Radius 25

Opacity 50%

Source: data taken from http://www.annexmap.net/libya/ (password: PoEL2014), displayed via Google Fusion Tables

Annex 23 Libyan Civil Aviation Authority letter

Letter from the Libyan Civil Aviation Authority to the Ministry of Defence regarding deliveries by Ruby Star, July 2014



Date	Time	Type	Identification	Duration	Pages
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دولة ليبيا
الحكومة الليبية المؤقتة
وزارة المواصلات والنقل
مصلحة الطيران المدني

الرقم
التاريخ
الموافق

من إدارة النقل الجوي

إلى : الغرفة السيطرة بوزارة الدفاع

برقية خبرية رقم 2 بتاريخ

بعد التحية ...
نفيدكم انه تقدمت إلينا شركة (RUBY STAR)
بطلب الحصول على التصريح
فيما يلي تفاصيلها
تاريخ الرحلة (المدة) : 24 ، 26 ، 28 ، [illegible]
نوع الطائرة : 3L76
حروف التسجيل : 78836 [illegible]
علامة النداء : RSB-76351/6 [illegible] 7633/34
خط السير : مصراتة / [illegible]
الساعة المتوقعة للهبوط والإقلاع
نقطة وساعة الدخول والخروج أجواء ليبيا
الغرض من الرحلة (الرحلات) : [illegible]
ملاحظات : [illegible]
نأمل موافاتنا رأيكم بالخصوص

مكتب النقل الجوي

[illegible]

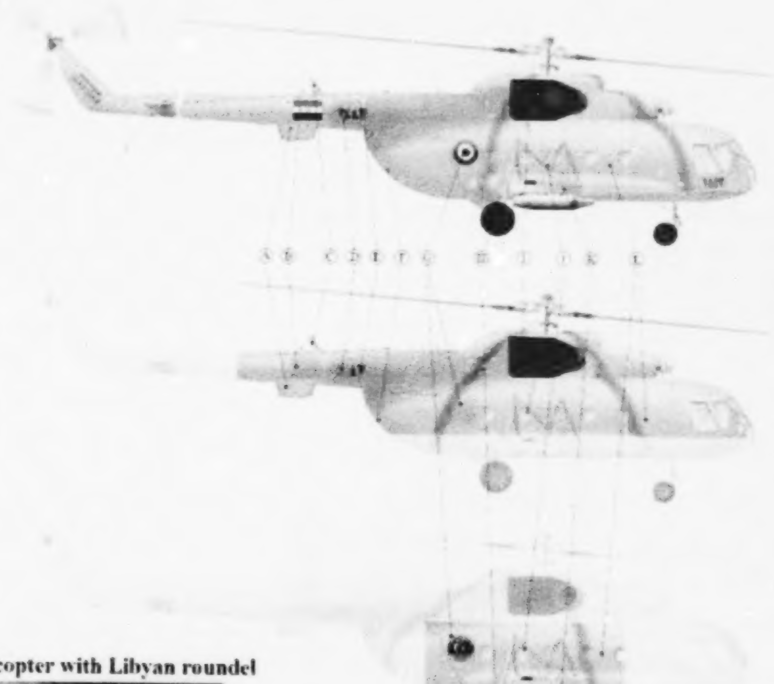
هاتف : 021 333 0256 [illegible]

البريد الإلكتروني : [illegible] الموقع الإلكتروني : [illegible]

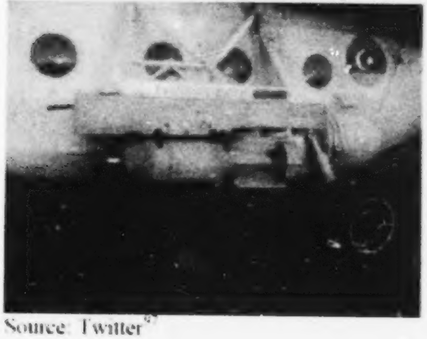
Annex 24 Mi-8 originating from Egypt

Comprehensive comparison between aircraft photographed in Egypt and in Libya

Figure 9: Comparison between the Egyptian Mi-8 bearing tail number ١٤٤٣ (1443) and an Mi-8 documented in Libya with tail number partly painted over but finishing by ٤٧ (47)



Picture 2: Mi-8 helicopter with Libyan roundel



Source: Twitter[97]

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[97] https://twitter.com/oryxspioenkop/status/547083046042611712/photo/1

Annex 25 Investigations relating to transfers to Fajr

Summary of previously reported transfers of military materiel by Sudan

1. The Panel previously reported that during the revolution, Sudan sent military materiel to rebel groups in Benghazi by air, or through Kufra, from where the materiel was transported by road (see paragraph 106 of S/2012/163). Interviews conducted with Libyan revolutionary military leaders and diplomats from countries involved in supporting the opposition during the uprising confirmed that Qatar had assisted in organizing and had financially supported some of the deliveries operated from Sudan in 2011.

2. In the aftermath of the revolution, the Panel documented several transfers of military materiel from Sudan for which no exemptions from the arms embargo had been sought. In its last final report, the Panel documented the use of Sudanese ammunition, used by Libyan militias and manufactured in 2012 (see paragraph 82 of S/2014/106). The Panel also reported the transfer of several Mi-24 helicopters from Sudan to the Libyan Air Force (see paragraphs 85 to 88 of S/2014/106). While some of these aircraft have since crashed, those remaining have been used in the aerial operations conducted by *Karama* forces.

3. In 2014, Sudan has been delivering military materiel to Kufra in violation of the arms embargo. In addition, the Panel is investigating military flights operated by Sudan in 2014 to an airport controlled by groups aligned with *Fajr*.

Investigations related to alleged transfers by sea to Fajr

4. The Panel is currently investigating several cases of potential transfers by sea, but at this stage is only in a position to provide details on the cases listed below.

5. On 20 October 2014, Libya informed the Committee that an illicit shipment of arms and ammunition from Bulgaria was on its way to Misrata on the vessel 'Express One'. The Mission requested the help of the Committee to prevent the delivery.

6. The Panel immediately investigated the matter and wrote to the Committee, informing that the ship, named 'Express 1' (not 'Express One') was a double-decked livestock-carrying vessel that had left the port of Misrata on 13 October 2014. The Express 1 had not called at any Bulgarian port since June 2014. The last port of call at the time had been Midia in Romania.

7. The Committee contacted Bulgaria, quoting Libya's letter. Bulgaria responded that between January and October 2014, there had been no recorded export of defence products to Libya on the basis of export licenses issues by the competent authority. Bulgaria stated that it could not find any data regarding a shipment of arms and ammunition on a ship called 'Express One'. The Committee also wrote to Libya to obtain more information but has had no response to date.

8. The Panel communicated with the Libyan Permanent Mission and wrote to Romania to obtain more information. The latter confirmed that the ship had called in Midia port on 5 October 2014 and had been heading to Misrata. Romania further provided documents indicating that the ship was transporting 18,000 sheep.

9. To date the Panel found no evidence of a violation but will continue its investigations and hopes to receive additional information from Libya in this connection.

10. More recently, media reports have reported that a ship carrying 450 containers loaded with arms and ammunition to Misrata had been seized in Libyan territorial waters and taken to Tobruk.[98] The Panel contacted Libya about this and is awaiting a response.

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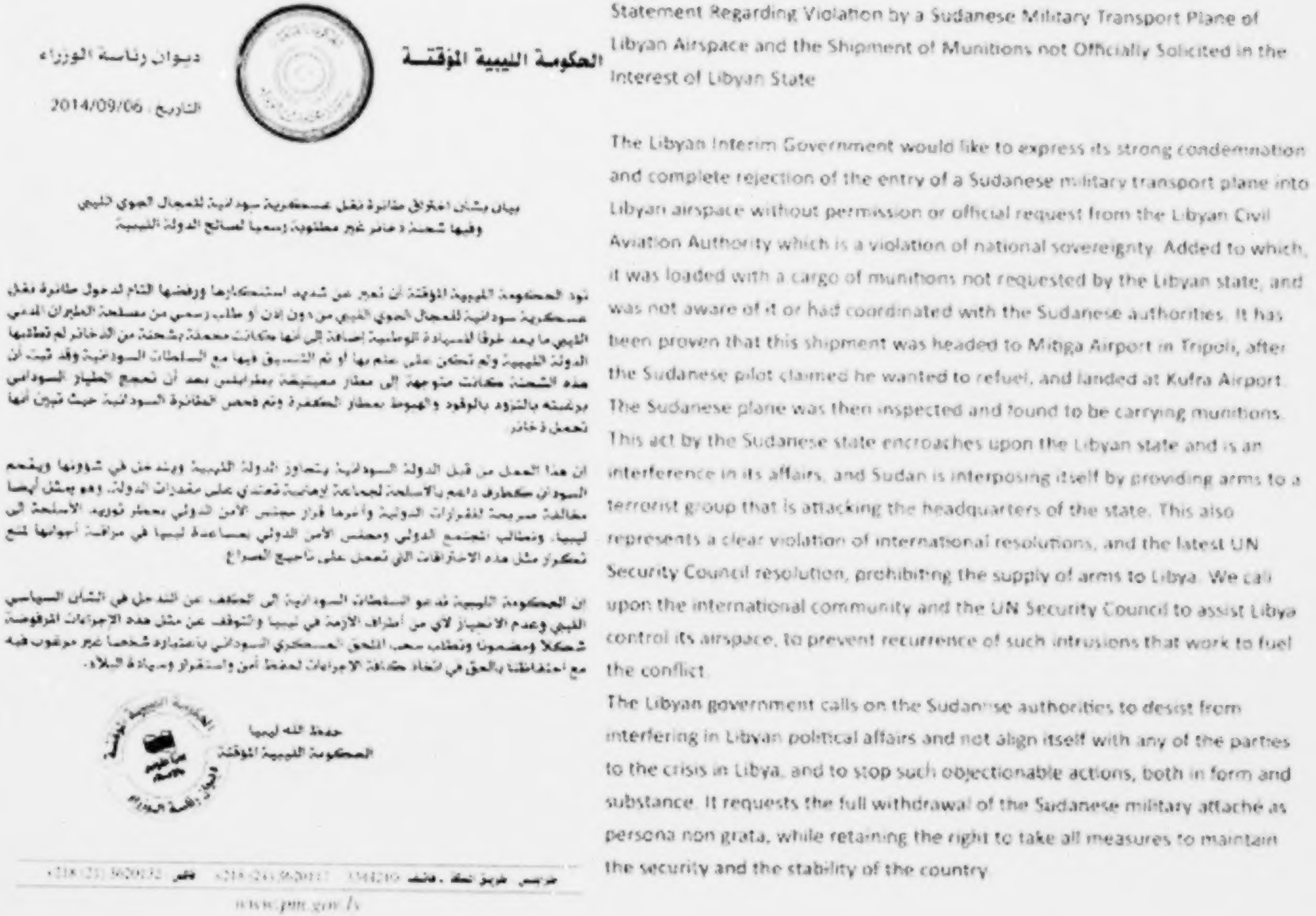
[98] "ضبط باخرة محملة بالأسلحة قادمة من تركيا لمصراتة", العربية, 27 December 2014, http://www.alarabiya.net/ar/north-africa/libya/2014/12/27/ضبط-باخرة-محملة-بالأسلحة-قادمة-من-تركيا-لمصراته; "ضبط سفينة تحمل أسلحة تركية متجهة لميناء مصراتة", الدائرة, 28 December 2014, http://www.daeera.com/news/76242/اخبار-ليبيا-الان-ضبط-سفينة-تحمل-اسلحة-ت.

Annex 26 Statement by the Libyan Government on Sudanese deliveries to Kufra

Statement by the Libyan government on Sudanese delivery of ammunition to Libya, 06 September 2014



الحكومة الليبية المؤقتة

ديوان رئاسة الوزراء

التاريخ: 2014/09/06

بيان بشأن اختراق طائرة نقل عسكرية سودانية للمجال الجوي الليبي
وفيها شحنة ذخائر غير مطلوبة رسميا لصالح الدولة الليبية

تود الحكومة الليبية المؤقتة أن تعبر عن شديد استنكارها ورفضها التام لدخول طائرة نقل عسكرية سودانية للمجال الجوي الليبي من دون إذن أو طلب رسمي من مصلحة الطيران المدني الليبي ما يعد خرقا للسيادة الوطنية إضافة إلى أنها كانت محملة بشحنة من الذخائر لم تطلبها الدولة الليبية ولم تتمكن على علم بها أو تم التنسيق فيها مع السلطات السودانية وقد ثبت أن هذه الشحنة كانت متوجهة إلى مطار معيتيقة بطرابلس بعد أن تحجج الطيار السوداني برغبته بالتزود بالوقود والهبوط بمطار الكفرة وتم فحص الطائرة السودانية حيث تبين أنها تحمل ذخائر

إن هذا العمل من قبل الدولة السودانية يتجاوز الدولة الليبية ويتدخل في شؤونها ويقحم السودان كطرف داعم بالأسلحة لجماعة إرهابية تعتدي على مقدرات الدولة. وهو يمثل أيضا مخالفة صريحة للقرارات الدولية وآخرها قرار مجلس الأمن الدولي بحظر توريد الأسلحة إلى ليبيا. ونطالب المجتمع الدولي ومجلس الأمن الدولي بمساعدة ليبيا في مراقبة أجوائها لمنع تكرار مثل هذه الاختراقات التي تعمل على تأجيج الصراع

إن الحكومة الليبية تدعو السلطات السودانية إلى الكف عن التدخل في الشأن السياسي الليبي وعدم الانحياز لأي من أطراف الأزمة في ليبيا والتوقف عن مثل هذه الإجراءات المرفوضة شكلا ومضمونا وتطالب سحب الملحق العسكري السوداني باعتباره شخصا غير مرغوب فيه مع احتفاظنا بالحق في اتخاذ كافة الإجراءات لحفظ أمن واستقرار وسيادة البلاد.

حفظ الله ليبيا
الحكومة الليبية المؤقتة

طرابلس، طريق السكة . هاتف 3344210 +218 (21) 3620117 فاكس +218 (21) 3620132
www.pm.gov.ly

Statement Regarding Violation by a Sudanese Military Transport Plane of Libyan Airspace and the Shipment of Munitions not Officially Solicited in the Interest of Libyan State

The Libyan Interim Government would like to express its strong condemnation and complete rejection of the entry of a Sudanese military transport plane into Libyan airspace without permission or official request from the Libyan Civil Aviation Authority which is a violation of national sovereignty. Added to which, it was loaded with a cargo of munitions not requested by the Libyan state, and was not aware of it or had coordinated with the Sudanese authorities. It has been proven that this shipment was headed to Mitiga Airport in Tripoli, after the Sudanese pilot claimed he wanted to refuel, and landed at Kufra Airport. The Sudanese plane was then inspected and found to be carrying munitions. This act by the Sudanese state encroaches upon the Libyan state and is an interference in its affairs, and Sudan is interposing itself by providing arms to a terrorist group that is attacking the headquarters of the state. This also represents a clear violation of international resolutions, and the latest UN Security Council resolution, prohibiting the supply of arms to Libya. We call upon the international community and the UN Security Council to assist Libya control its airspace, to prevent recurrence of such intrusions that work to fuel the conflict.

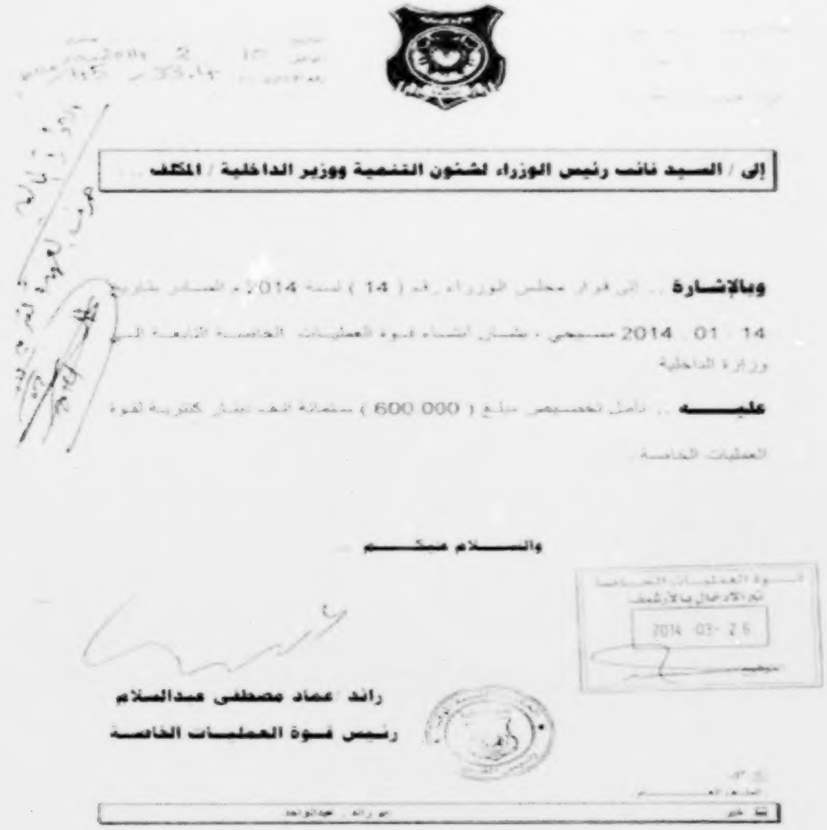
The Libyan government calls on the Sudanese authorities to desist from interfering in Libyan political affairs and not align itself with any of the parties to the crisis in Libya, and to stop such objectionable actions, both in form and substance. It requests the full withdrawal of the Sudanese military attaché as persona non grata, while retaining the right to take all measures to maintain the security and the stability of the country.

Annex 27 Examples of State funding

Examples of State funding of various (parallel) units operating under the Ministries of the Interior or Defense (2013-2014)

1. The Panel received the following documents, which appear to be genuine, from reliable and well-placed sources. However, given the existence of two decision-making centres in Libya, neither of which the Panel was able to visit after July 2014, the Panel could not confirm their veracity with the departments or individuals involved.

Letter dated 10 February 2014 from Major Imad Mustafa Abdulsalam, Chief of the Special Operations Force, addressed to the Deputy Prime Minister with responsibility for development affairs and Minister of the Interior. The letter requests the disbursement of LYD 600,000 to the Special Operations Force.



إلى / السيد نائب رئيس الوزراء لشئون التنمية ووزير الداخلية / المكلف

وبالإشارة .. إلى قرار مجلس الوزراء رقم (14) لسنة 2014م الصادر بتاريخ 14 . 01 . 2014 مسيحي ، بشأن إنشاء قوة العمليات الخاصة التابعة إلى وزارة الداخلية

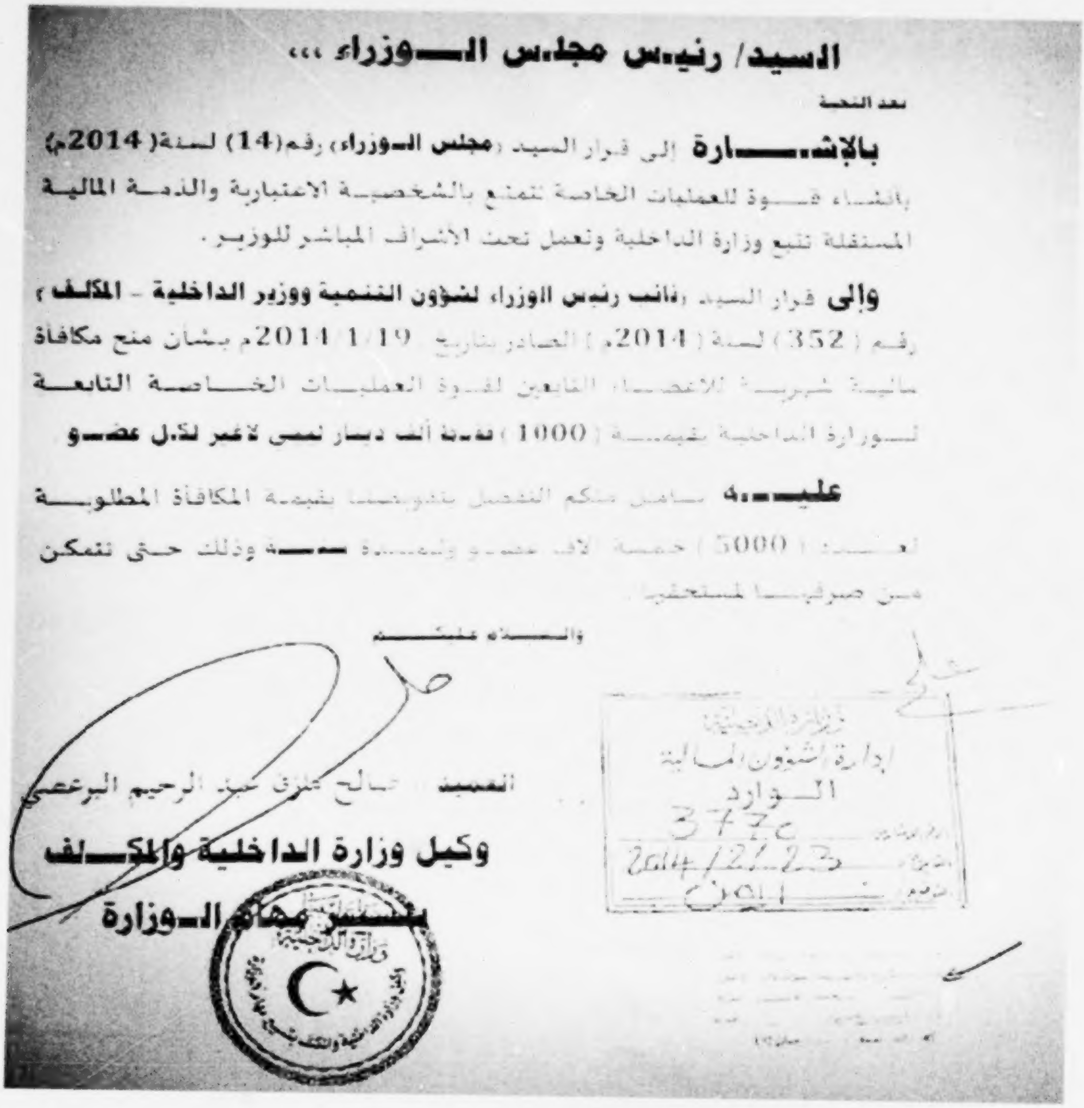
عليــــه .. نأمل تخصيص مبلغ (600 000) ستمائة ألف دينار ليبي لقوة العمليات الخاصة .

والســــلام عليكـــم

رائد عماد مصطفى عبدالسلام
رئيس قوة العمليات الخاصة

قوة العمليات الخاصة
تم الادخال بالأرشيف
2014-03-26
توقيع

Letter of 19 February 2014 from Salih Maziq Abdulrahim al-Bar'asi, Deputy Minister of the Interior, addressed to the Prime Minister. The letter asks the Prime Minister to disburse funds in order to pay a monthly salary of LYD 1,000, for one year, to each of the 5,000 members of the Special Operations Force, which answers directly to the Minister of the Interior.



السيد/ رئيس مجلس الوزراء ،،،

بعد التحية

بالإشارة إلى قرار السيد / **مجلس الوزراء** رقم **(14)** لسنة **(2014م)** بإنشاء قوة للعمليات الخاصة تتمتع بالشخصية الاعتبارية والذمة المالية المستقلة تتبع وزارة الداخلية وتعمل تحت الإشراف المباشر للوزير.

وإلى قرار السيد / **نائب رئيس الوزراء لشؤون التنمية ووزير الداخلية - المكلف ؛** رقم (352) لسنة (2014م) الصادر بتاريخ 2014/1/19م بشأن منح مكافأة مالية شهرية للأعضاء التابعين لقوة العمليات الخاصة التابعة لوزارة الداخلية بقيمة (1000) **فقط ألف دينار ليبي لا غير لكل عضو**

عليه؛ نأمل منكم التفضل بتفويضنا بقيمة المكافأة المطلوبة لعدد (5000) خمسة آلاف عضو ولمدة سنة وذلك حتى نتمكن من صرفها لمستحقيها.

والسلام عليكم

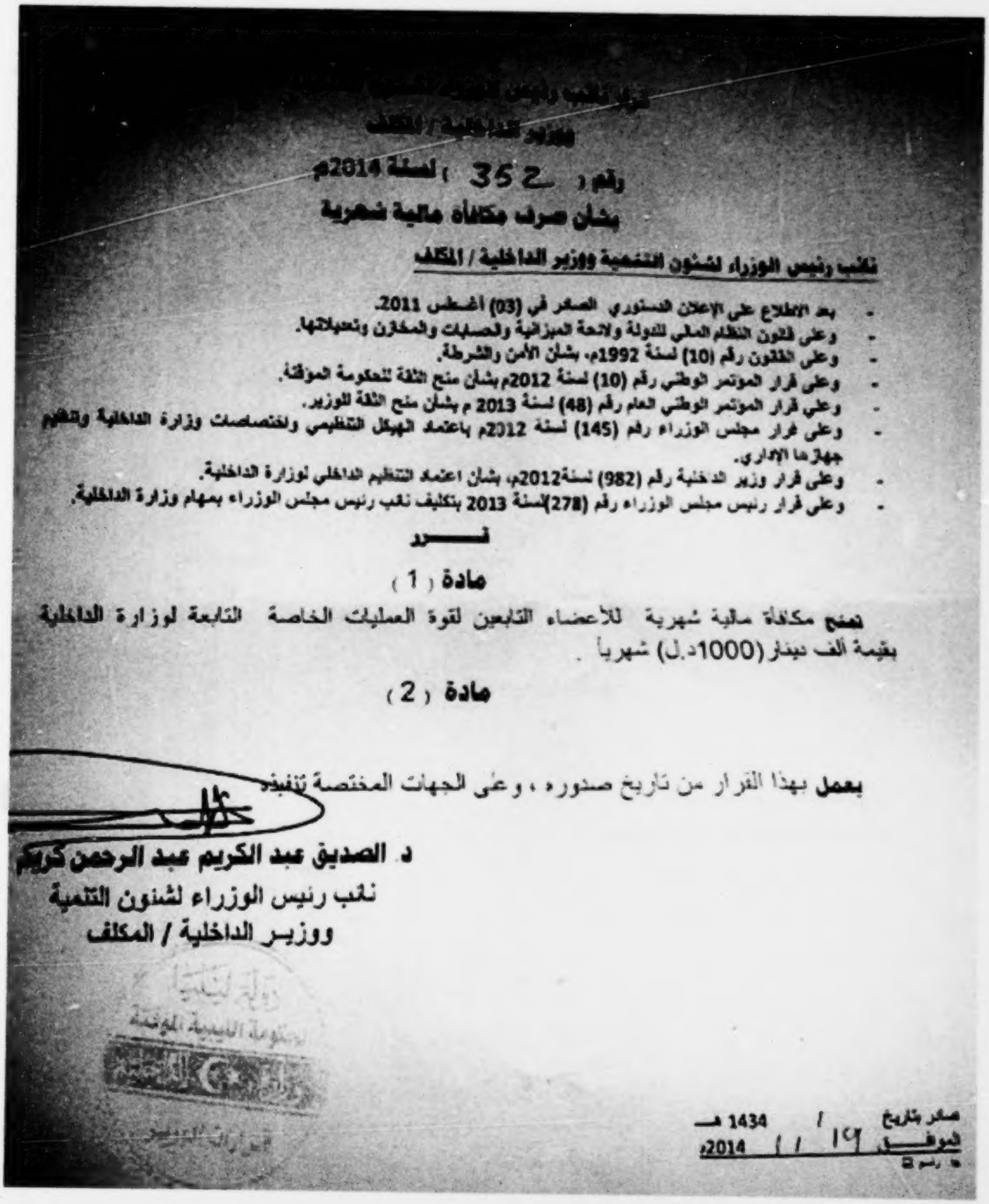
العميد / صالح مازق عبد الرحيم البرعصي

وكيل وزارة الداخلية والمكلف

بتسيير مهام الوزارة

وزارة الداخلية
إدارة الشؤون المالية
الوارد
3772
2014/2/23

Decision No. 352 of 2014 approving the salary referred to above. The decision dated 19 November 2014 and signed by Sadiq Abdulkarim Abdulrahman Karim, Deputy Prime Minister with responsibility for development affairs and acting Minister of the Interior.



قرار نائب رئيس [illegible]

ووزير الداخلية / المكلف

رقم (352) لسنة 2014م

بشأن صرف مكافأة مالية شهرية

نائب رئيس الوزراء لشئون التنمية ووزير الداخلية / المكلف

- بعد الاطلاع على الإعلان الدستوري الصادر في (03) أغسطس 2011.
- وعلى قانون النظام المالي للدولة ولائحة الميزانية والحسابات والمخازن وتعديلاتها.
- وعلى القانون رقم (10) لسنة 1992م، بشأن الأمن والشرطة.
- وعلى قرار المؤتمر الوطني رقم (10) لسنة 2012م بشأن منح الثقة للحكومة المؤقتة.
- وعلي قرار المؤتمر الوطني العام رقم (48) لسنة 2013 م بشأن منح الثقة للوزير.
- وعلى قرار مجلس الوزراء رقم (145) لسنة 2012م باعتماد الهيكل التنظيمي واختصاصات وزارة الداخلية وتنظيم جهازها الإداري.
- وعلى قرار وزير الداخلية رقم (982) لسنة2012م، بشأن اعتماد التنظيم الداخلي لوزارة الداخلية.
- وعلى قرار رئيس مجلس الوزراء رقم (278)لسنة 2013 بتكليف نائب رئيس مجلس الوزراء بمهام وزارة الداخلية.

قـــــرر

مادة (1)

تمنح مكافأة مالية شهرية للأعضاء التابعين لقوة العمليات الخاصة التابعة لوزارة الداخلية بقيمة ألف دينار (1000د.ل) شهرياً .

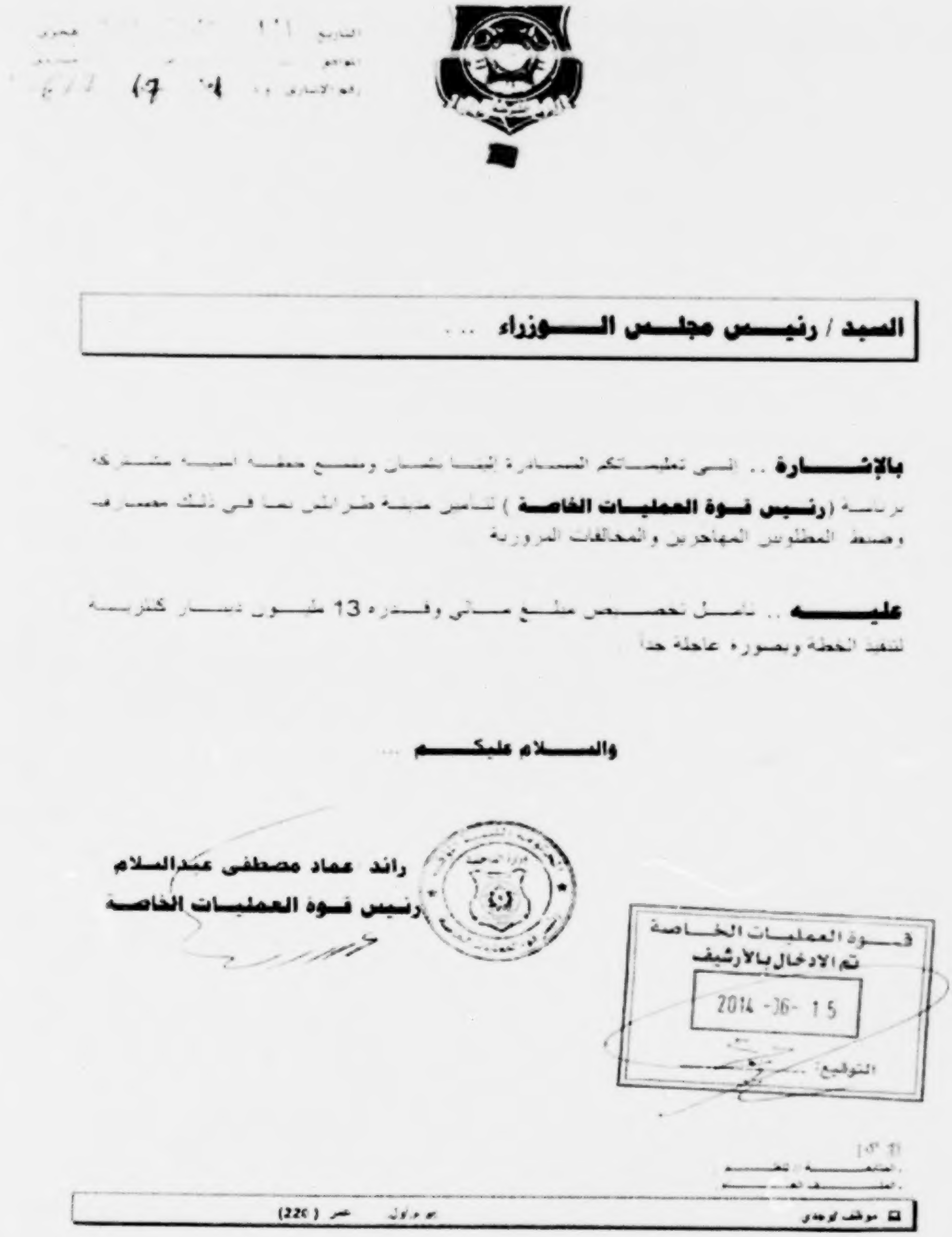
مادة (2)

يعمل بهذا القرار من تاريخ صدوره ، وعلى الجهات المختصة تنفيذه

د. الصديق عبد الكريم عبد الرحمن كريم
نائب رئيس الوزراء لشئون التنمية
ووزيـر الداخلية / المكلف

صادر بتاريخ / 1434 هـ
الموافق 19 / / 2014م

Letter from Major Imad Mustafa Abdulsalam, Chief of the Special Operations Force, referring to a plan to secure Tripoli and requesting urgent payment of LYD 13 million for that purpose. The date of the letter is unclear, but a stamp shows that it was filed in an archive on 15 June 2014.



التاريخ: [illegible] هجري
الموافق: [illegible] ميلادي
رقم الإشاري: [illegible] 17 [illegible]

السيد / رئيــس مجلــس الـــوزراء ...

بالإشـــارة .. الـى تعليمــاتكم الصـادرة إلينـا بشـأن وضـع خطــة أمنيــة مشـتركة برئاسـة (**رئـيس قـوة العمليـات الخاصـة**) لتـأمين مدينـة طرابلس بمـا فـي ذلـك مكافحة وضبط المطلوبين المهاجرين و المخالفات المرورية

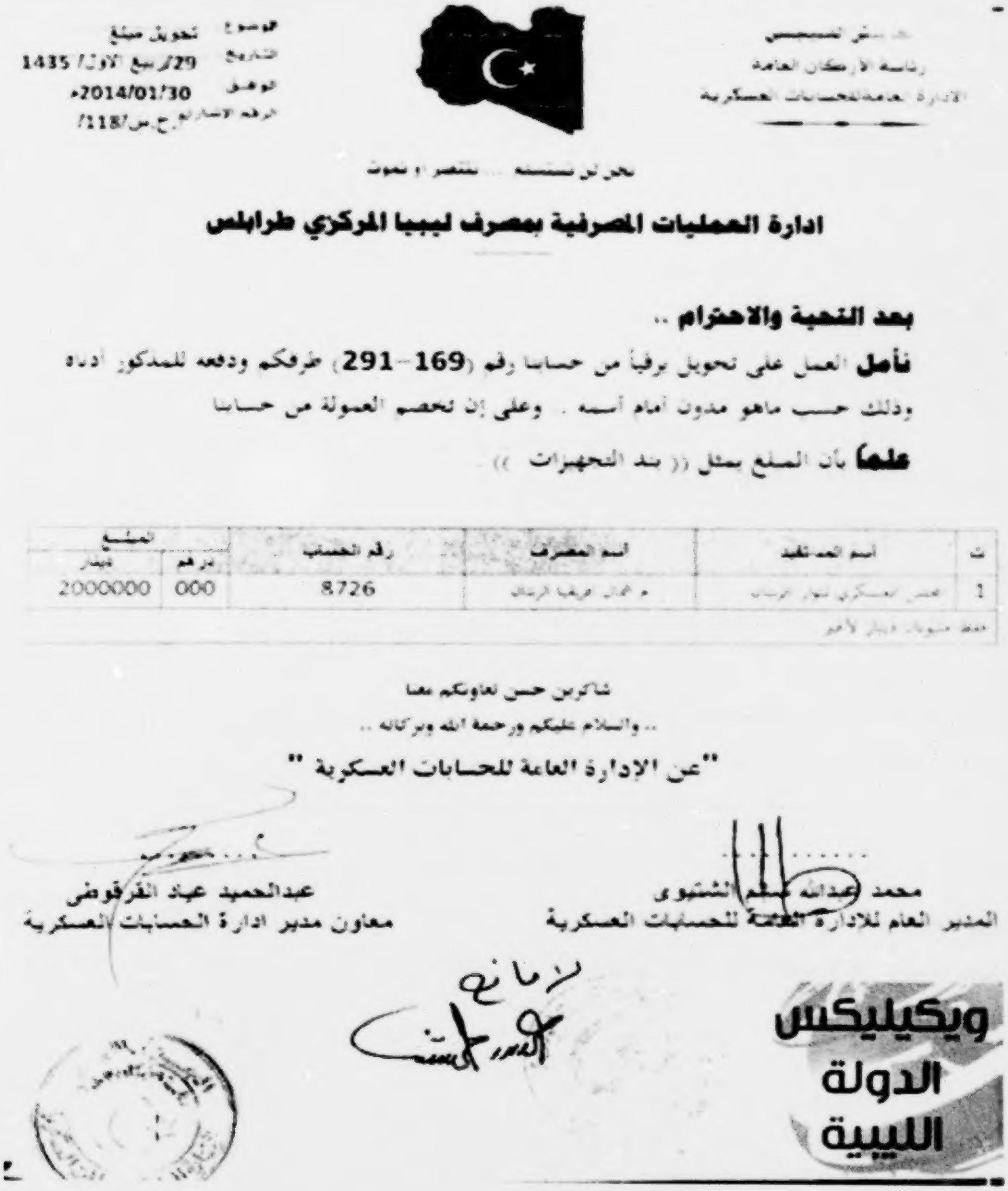
علـيـــــه .. نأمـــل تخصــــيص مبلـغ مـــالي وقـــدره 13 مليـــون دينـــار كميزانيـــة لتنفيذ الخطة وبصورة عاجلة جداً

والســـلام عليكـــم ...

رائد عماد مصطفى عبدالسلام
رئيس قـوة العمليـات الخاصـة

قـــوة العمليـات الخـــاصة
تم الادخال بالأرشيف
2014 -06- 15
التوقيع: ....

Letter marked "Wikileaks Libyan State" dated 30 January 2014 and signed by Muhammad Abdullah Salim Al-Shitaywi, Director-General of the Directorate-General of Military Accounts, and by his deputy Abdulhamid Ayyad al-Qarquti. The letter is addressed to the Central Bank of Libya, Tripoli. It asks for the sum of LYD 2 million to be transferred from Central Bank of Libya account No. 291-169 to the Military Council of Revolutionaries of Zintan, North Africa Bank Zintan account No. 8726.



الجيش الليبي
رئاسة الأركان العامة
الإدارة العامة للحسابات العسكرية

الموضوع: تحويل مبلغ
التاريخ: 29/ربيع الأول/ 1435
الموافق: 2014/01/30م
الرقم الاشاري: ج.س/118/

نحن لن نستسلم ... ننتصر أو نموت

ادارة العمليات المصرفية بمصرف ليبيا المركزي طرابلس

بعد التحية والاحترام ..

تأمل العمل على تحويل برقياً من حسابنا رقم (169-291) طرفكم ودفعه للمذكور أدناه وذلك حسب ماهو مدون أمام أسمه . وعلى إن تخصم العمولة من حسابنا

علماً بأن المبلغ يمثل ((بند التجهيزات)) .

ت	اسم المستفيد	اسم المصرف	رقم الحساب	المبلغ	
				درهم	دينار
1	المجلس العسكري لثوار الزنتان	م شمال افريقيا الزنتان	8726	000	2000000
فقط مليونان دينار لاغير					

شاكرين حسن تعاونكم معنا
.. والسلام عليكم ورحمة الله وبركاته ..

"عن الإدارة العامة للحسابات العسكرية "

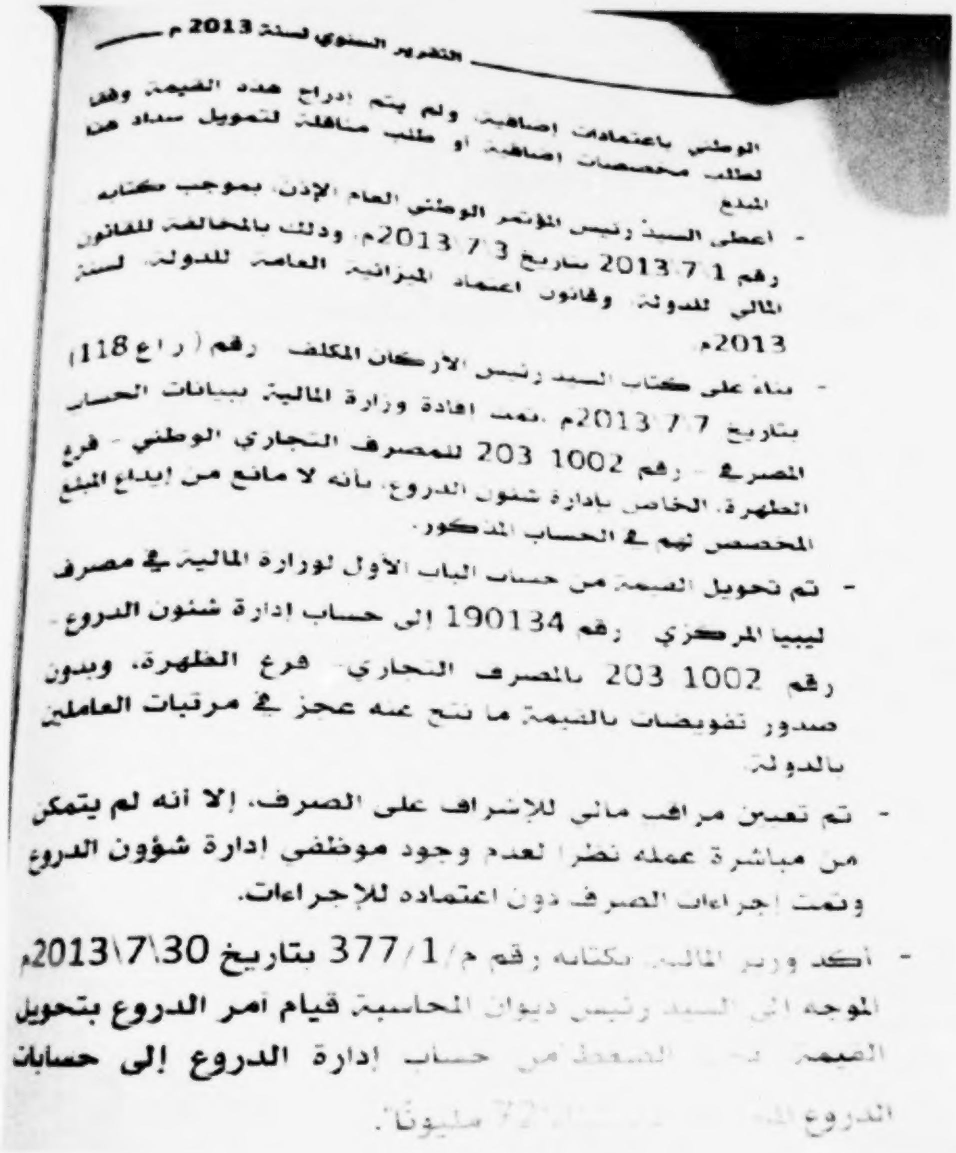
محمد عبدالله سالم الشتيوى
المدير العام للإدارة العامة للحسابات العسكرية

عبدالحميد عياد القرقوطى
معاون مدير ادارة الحسابات العسكرية

لزمانه

ويكيليكس
الدولة
الليبية

Page from a national report from 2013 alleging that inappropriate payments were made to the Der'a Libya [Shield of Libya] militia in violation of the 2013 budget, and that the Comptroller was not given enough staff to fulfil his functions.

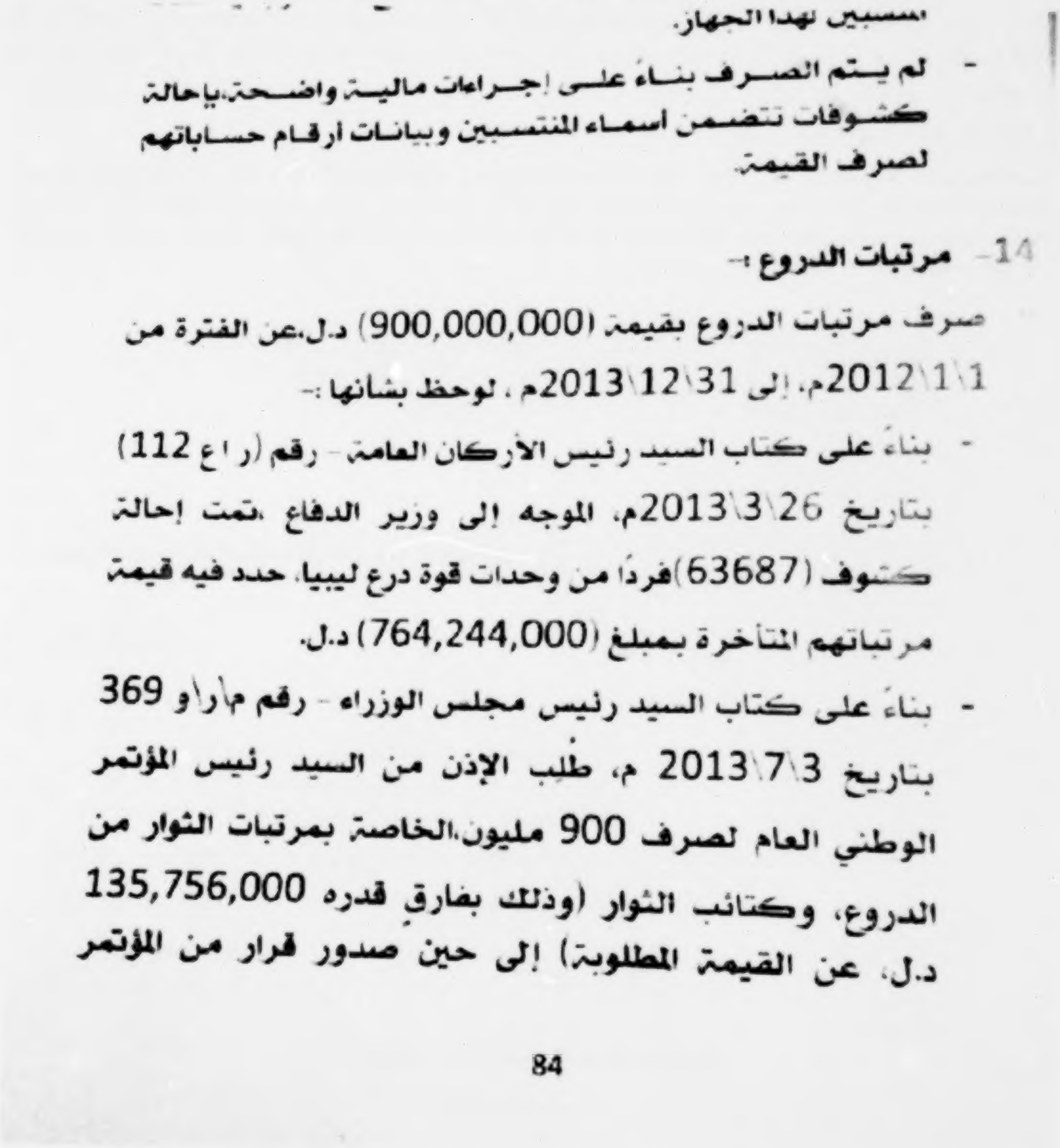


التقرير السنوي لسنة 2013 م

الوطني باعتمادات إضافية، ولم يتم إدراج هذه القيمة وفق لطلب مخصصات إضافية أو طلب مناقلة لتمويل سداد هذ المبلغ

- أعطى السيد رئيس المؤتمر الوطني العام الإذن بموجب كتابه رقم 2013/7/1 بتاريخ 2013/7/3م، وذلك بالمخالفة للقانون المالي للدولة وقانون اعتماد الميزانية العامة للدولة لسنة 2013م.
- بناء على كتاب السيد رئيس الأركان المكلف رقم (ر ا ع 118) بتاريخ 2013/7/7م، تمت افادة وزارة المالية ببيانات الحساب المصرفي - رقم 203 1002 للمصرف التجاري الوطني - فرع الظهرة، الخاص بإدارة شئون الدروع، بأنه لا مانع من إيداع المبلغ المخصص لهم في الحساب المذكور.
- تم تحويل القيمة من حساب الباب الأول لوزارة المالية في مصرف ليبيا المركزي رقم 190134 إلى حساب إدارة شئون الدروع رقم 203 1002 بالمصرف التجاري - فرع الظهرة، وبدون صدور تفويضات بالقيمة ما نتج عنه عجز في مرتبات العاملين بالدولة.
- تم تعيين مراقب مالي للإشراف على الصرف، إلا أنه لم يتمكن من مباشرة عمله نظرا لعدم وجود موظفي إدارة شؤون الدروع وتمت إجراءات الصرف دون اعتماده للإجراءات.
- أكد وزير المالية بكتابه رقم م/1/377 بتاريخ 2013\7\30م الموجه إلى السيد رئيس ديوان المحاسبة قيام آمر الدروع بتحويل القيمة [illegible] المحددة من حساب إدارة الدروع إلى حسابات الدروع [illegible] 72 مليوناً".

Page from a national report from 2013, alleging that the Der'a Libya [Shield of Libya] received LYD 900,000,000 between 1 January 2012 and 31 December 2013, and detailing some of those payments.



منتسبين لهذا الجهاز.

- لم يتم الصرف بناءً على إجراءات مالية واضحة، بإحالة كشوفات تتضمن أسماء المنتسبين وبيانات أرقام حساباتهم لصرف القيمة.

14- **مرتبات الدروع :-**

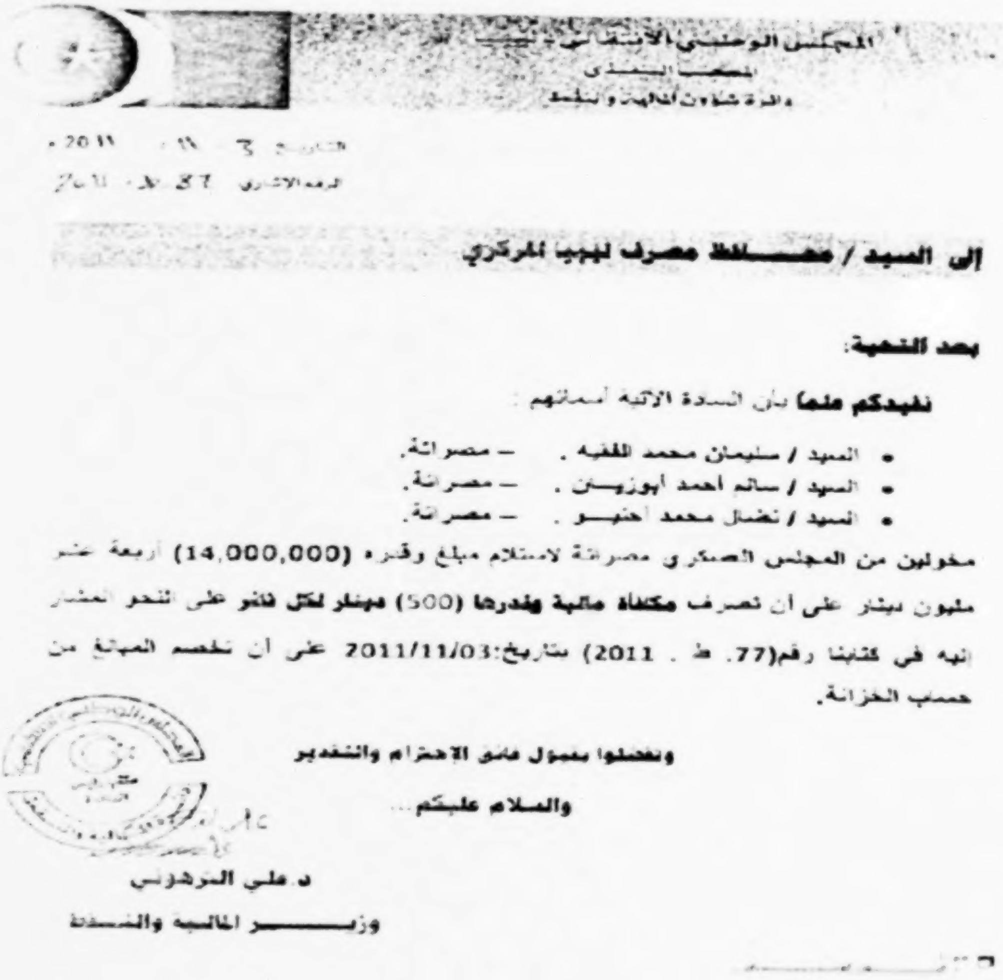
صرف مرتبات الدروع بقيمة (900,000,000) د.ل. عن الفترة من 2012\1\1م. إلى 2013\12\31م ، لوحظ بشانها :-

- بناءً على كتاب السيد رئيس الأركان العامة - رقم (ر ا ع 112) بتاريخ 2013\3\26م، الموجه إلى وزير الدفاع، تمت إحالة كشوف (63687) فردًا من وحدات قوة درع ليبيا، حدد فيه قيمة مرتباتهم المتأخرة بمبلغ (764,244,000) د.ل.
- بناءً على كتاب السيد رئيس مجلس الوزراء - رقم م\ر\و 369 بتاريخ 2013\7\3 م، طلب الإذن من السيد رئيس المؤتمر الوطني العام لصرف 900 مليون، الخاصة بمرتبات الثوار من الدروع، وكتائب الثوار (وذلك بفارقٍ قدره 135,756,000 د.ل، عن القيمة المطلوبة) إلى حين صدور قرار من المؤتمر

Annex 28 Bonuses paid to revolutionary brigades

1. The Panel received the following document, which appears to be genuine, from reliable and well-placed sources. However, given the existence of two decision-making centres in Libya, neither of which the Panel was able to visit after July 2014, the Panel could not confirm its veracity with the departments or individuals involved.

Letter dated 3 November 2011 from Ali Tarhuni, Minister of Finance and Petroleum, to the Governor of the Central Bank of Libya. The letter states that Sulayman Ahmad Al-Faqih, Salim Ahmad Abu Zayyan and Nidal Ahmad Ahniyu were awarded LYD 14 million, and that LYD 500 should be paid to each of a list of revolutionaries not included in the document.



المجلس الوطني الانتقالي المؤقت
المكتب التنفيذي
وزارة شئون المالية و النفط

التاريخ: 3 - 11 - 2011م
الرقم الإشاري: 77 . ط . 2011

إلى السيد / محـــافظ مصرف ليبيا المركزي

بعد التحية:

نفيدكم علما بأن السادة الآتية أسماؤهم :

- السيد / سليمان محمد الفقيه . — مصراتة.
- السيد / سالم احمد ابوزيـــان . — مصراتة.
- السيد / نضال محمد احنيـــو . — مصراتة.

مخولين من المجلس العسكري مصراتة لاستلام مبلغ وقدره **(14,000,000)** أربعة عشر مليون دينار على أن تصرف **مكافأة مالية وقدرها** (500) **دينار لكل ثائر** على النحو المشار إليه في كتابنا رقم(77. ط . 2011) بتاريخ:2011/11/03 على أن تخصم المبالغ من حساب الخزانة.

وتفضلوا بقبول فائق الاحترام والتقدير

والسلام عليكم...

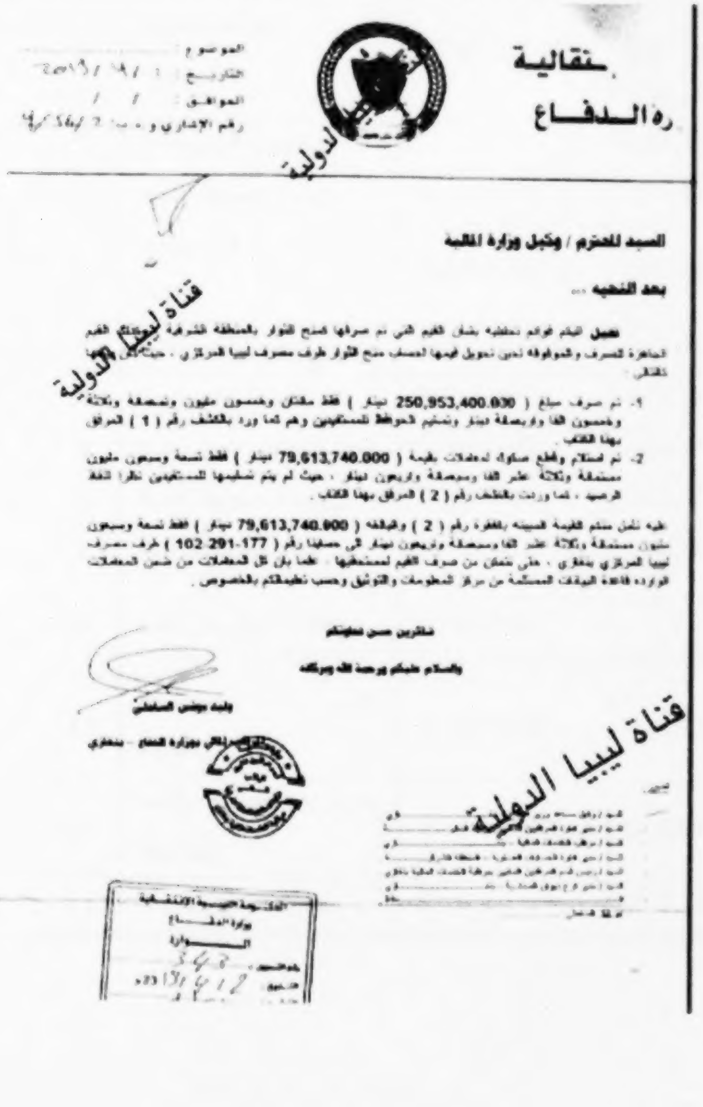
د. علي الترهوني

وزيـــــــر المالية والنفط

Annex 29 Status of bonuses awarded to revolutionary brigades

1. The Panel received the following document, which appears to be genuine, from reliable and well-placed sources. However, given the existence of two decision-making centres in Libya, neither of which the Panel was able to visit after July 2014, the Panel could not confirm its veracity with the departments or individuals involved.

Letter dated 1 April 2013 from Walid Yunus Al-Sahili, Comptroller at the Ministry of Defence, Benghazi, addressed to the Deputy Minister of Finance. The letter states that the sum of LYD 250,953,400 was paid to a list of beneficiaries (detailed in a list of which the Panel has seen one page), but that a further LYD 79,613,740 could not be paid owing to a lack of funds. It asks for the latter sum to be disbursed to the Ministry of Defence account 102-291-177 at the Central Bank of Libya.



الموضوع :

التاريخ : 2013 / 4 / 1

رقم الإشاري

السيد المحترم / وكيل وزارة المالية

بعد التحيه ...

250,953,400.000

79,613,740.000

79,613,740.000 (102-291-177)

شاكرين حسن تعاونكم

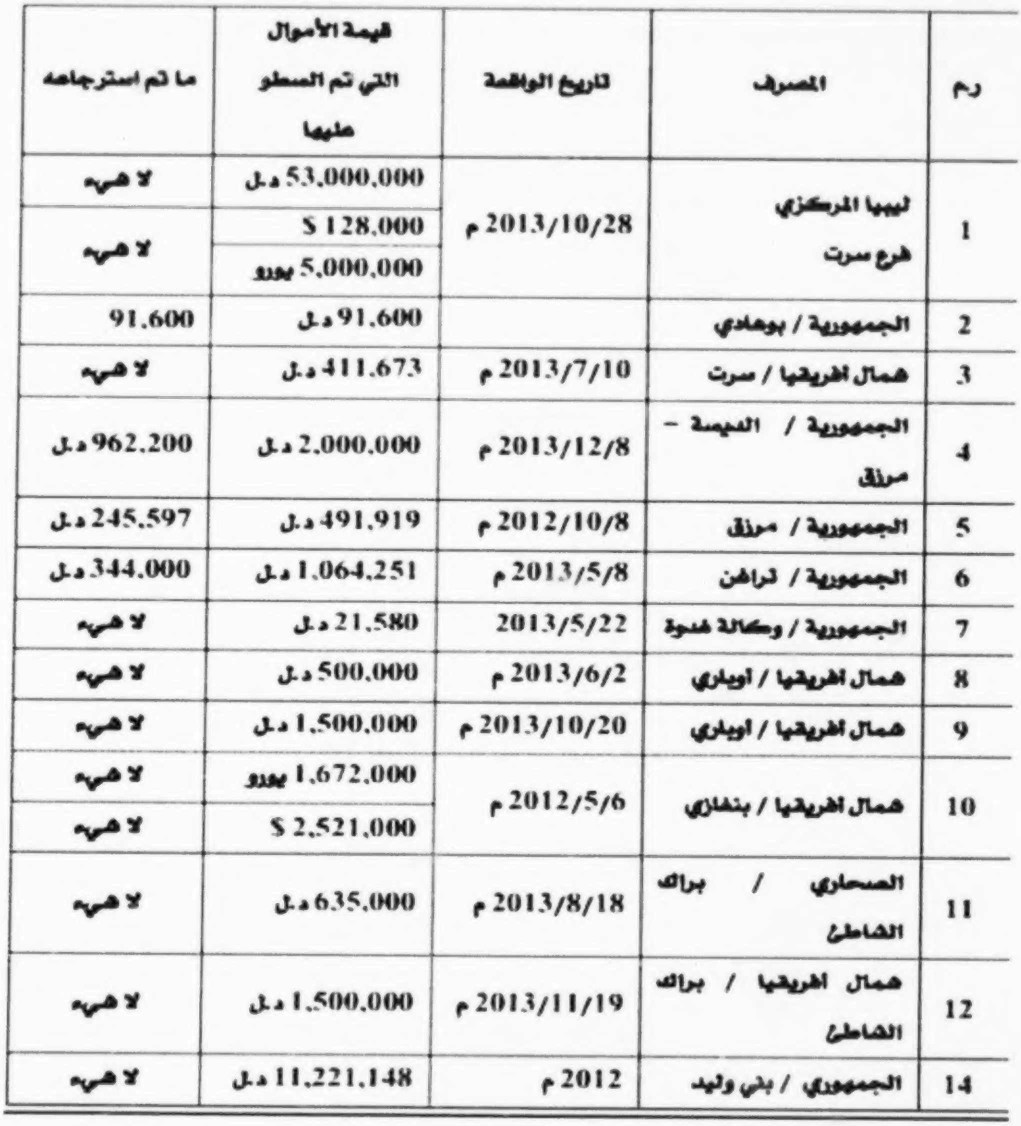
والسلام عليكم ورحمة الله وبركاته

وليد يونس الساحلي

قناة ليبيا الدولية

Annex 30 Table showing amounts stolen from banks in 2012 and 2013

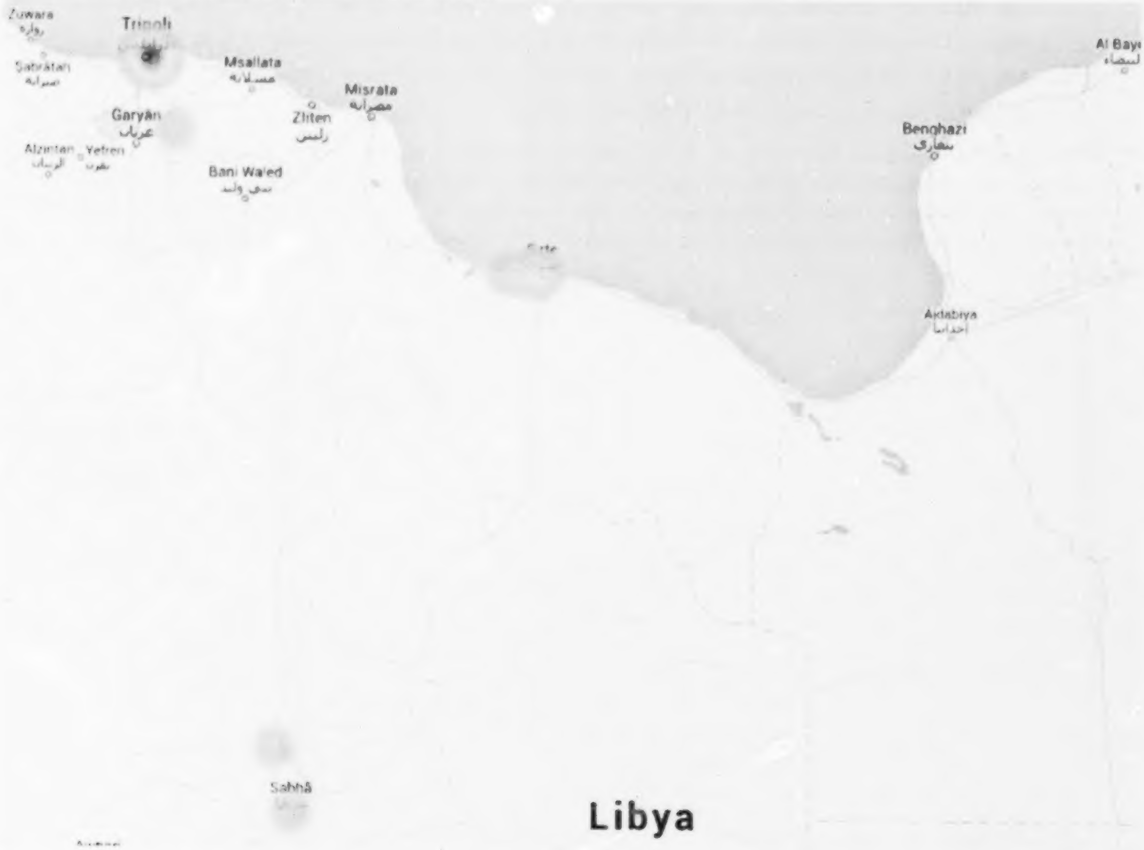
1. The Panel received the following document, which appears to be genuine, from reliable and well-placed sources. However, given the existence of two decision-making centres in Libya, neither of which the Panel was able to visit after July 2014, the Panel could not confirm its veracity with the departments or individuals involved.



رقم	المصرف	تاريخ الواقعة	قيمة الأموال التي تم السطو عليها	ما تم استرجاعه
1	ليبيا المركزي فرع سرت	2013/10/28 م	53,000,000 د.ل	لا شيء
			$ 128,000	لا شيء
			5,000,000 يورو	
2	الجمهورية / بوهادي		91,600 د.ل	91,600
3	شمال افريقيا / سرت	2013/7/10 م	411,673 د.ل	لا شيء
4	الجمهورية / الديسة – مرزق	2013/12/8 م	2,000,000 د.ل	962,200 د.ل
5	الجمهورية / مرزق	2012/10/8 م	491,919 د.ل	245,597 د.ل
6	الجمهورية / تراغن	2013/5/8 م	1,064,251 د.ل	344,000 د.ل
7	الجمهورية / وكالة غدوة	2013/5/22	21,580 د.ل	لا شيء
8	شمال افريقيا / اوباري	2013/6/2 م	500,000 د.ل	لا شيء
9	شمال افريقيا / اوباري	2013/10/20 م	1,500,000 د.ل	لا شيء
10	شمال افريقيا / بنغازي	2012/5/6 م	1,672,000 يورو	لا شيء
			$ 2,521,000	لا شيء
11	الصحاري / براك الشاطئ	2013/8/18 م	635,000 د.ل	لا شيء
12	شمال افريقيا / براك الشاطئ	2013/11/19 م	1,500,000 د.ل	لا شيء
14	الجمهوري / بني وليد	2012 م	11,221,148 د.ل	لا شيء

Annex 31 Heat map of armed robberies

Figure 10: Heat map of armed robberies (2014)


Zuwara
زوارة
Tripoli
Sabratah
صبراتة
Msallata
مسلاتة
Misrata
مصراتة
Zliten
زليتن
Garyan
غريان
Alzintan
الزنتان
Yefren
يفرن
Bani Waled
بني وليد
Al Bay
البيضاء
Benghazi
بنغازي
Sirte
Ajdabiya
اجدابيا
Sabhā
Libya

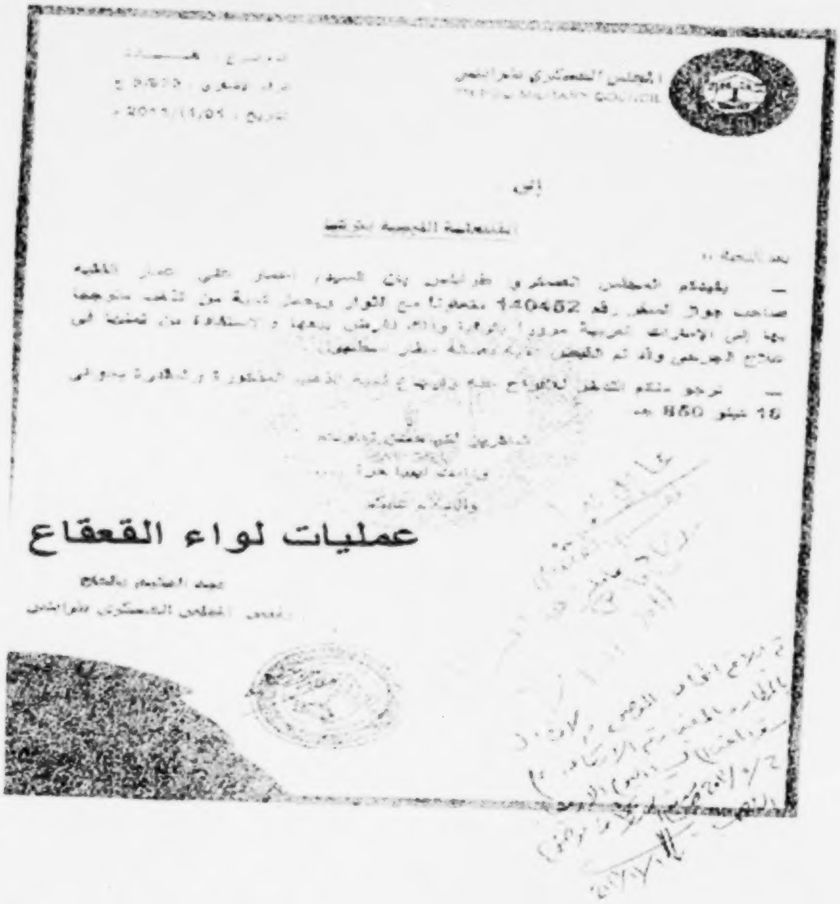
Source: data taken from http://www.annexmap.net/libya/ (password: PoEL2014), displayed via Google Fusion Tables

Annex 32 Asset seizures by militias

Two examples of how large amounts of cash and gold were suddenly 'available' to militias during the 2011 revolution

1. The Panel received the following document, which appears to be genuine, from reliable and well-placed sources. However, given the existence of two decision-making centres in Libya, neither of which the Panel was able to visit after July 2014, the Panel could not confirm their veracity with the departments or individuals involved.

Letter dated 1 November 2011 from the Tripoli Military Council, signed by Abdelhakim Belhadj, to the Libyan Consul in Turkey. The letter says that 16.85 kilos of gold were confiscated at Istanbul Airport from Ammar Ali Ammar Al-Faqih, a revolutionary, who had been travelling to the United Arab Emirates to sell the gold in order to fund medical care for the wounded. The letter requests the Consul's help in retrieving the funds.

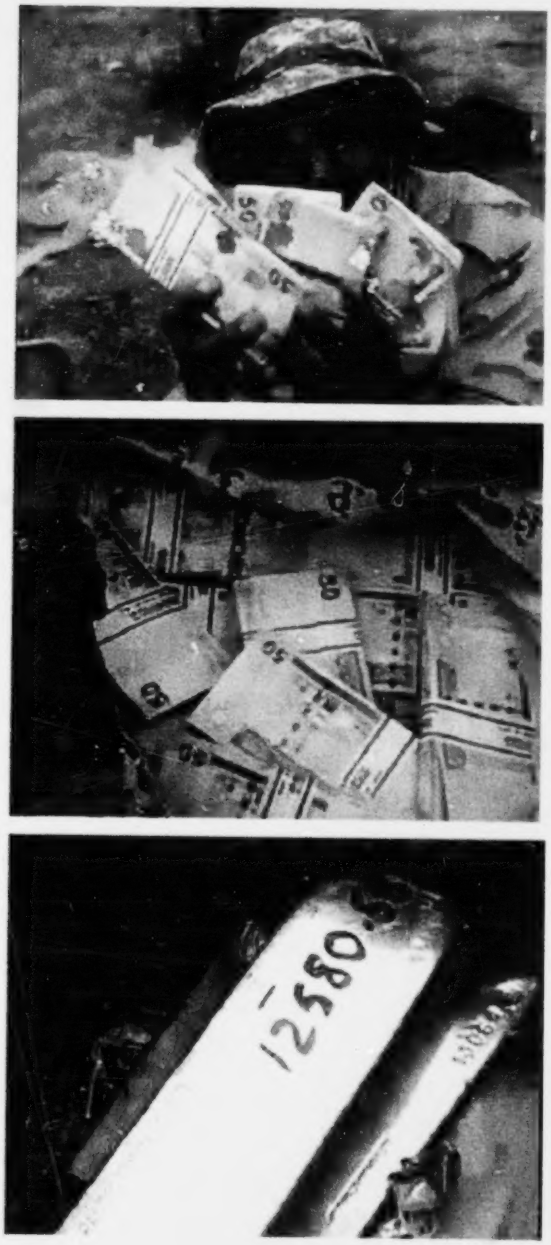


2011/11/01

إلى

عمليات لواء القعقاع

Screenshots of a video[99] showing militiamen allegedly under the command of Ibrahim Jadhran digging up gold and cash from a private residence in Sirte



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[99] https://www.youtube.com/watch?v=I2htMe15CyA

Annex 33 Arms transfers from Libya

1. Transfers of military materiel through western borders

Illicit weapons trafficking to Tunisia

1. The Tunisian authorities have met the Panel every year since 2011 to discuss the impact of the situation in Libya on their internal security. Over this period, they reported significant challenges related to immigration issues, border control, terrorism dynamics and weapons trafficking. As every year the Panel was granted access to some of the seizures operated by the Tunisian forces.

2. The Panel visited Tunis in December 2014 and conducted interviews with a range of Tunisian and international interlocutors. All shared their concerns about the impact of the deteriorating security situation in Libya, particularly the interaction between Tunisian and Libyan terrorist and trafficking networks, which are increasingly intertwined. Tunisian terrorist groups have been using Libya as a source of military materiel, funding, training and as safe haven for some of their leaders.[100]

3. Terrorist attacks in Tunisia have increased in 2014 and specifically targeted members of security forces. Judicial authorities responsible for terrorism- related matters explained that most military materiel used in terrorist activities comes from Libya. Groups such as Ansar Al-Sharia Tunisia and Okba Ibn Nafa'e have been procuring and using materiel originating from Libya.

4. The Panel was first given access to the materiel entering the country in 2014, seized by several entities and now under the control of the army. The quantity of materiel seized was much smaller than in the previous two years: one FN FAL assault rifle,[101] which was recovered in the south of Tunisia, two rifle grenades discovered near Sousse, several Turkish-made blank pistols, ammunition, and arms-related accessories (see Table 1). All the 7.62x39mm ammunition rounds were seized from a car in Ben Guerdane in January 2014.

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[100] Sabratah and Derna in particular are identified by Tunisia as being significant hubs for training of young Tunisians jihadist and for onward transfer to Syria. Some Tunisians who engaged in terrorist attacks in 2014 in Tunisia had spent time in Libya. The head of Ansar Al-Sharia Tunisia, Abu Iyadh is believed to be in Libya.

[101] The Panel sent a tracing request to Belgium for this item.

Table 1: Arms and ammunition seized in 2014 and currently under the control of the army

Arms	**Quantity**
FAL assault rifle	01
Blank pistol EKOL Tuna	01
Blank pistol BLOW F92	01
Various hunting rifles	09
Bayonets and daggers	31
Magazines for AK type rifles	12
Ammunition	**Quantity**
9x19mm	56
7.62x39mm	144
7.62x51mm	28
Hunting cartridges	114

Source: Tunisian authorities, January 2015

5. Materiel identified from counter-terrorism operations is under the control of a different security body while the prosecution is ongoing. This body provided the Panel with the details of several terrorist-related cases involving arms and ammunition coming from Libya and granted the Panel access to some of the materiel.

6. In February 2014, an important operation took place in Raoued,[102] during which 5 AK-type rifles, 600kg of TNT and 5,986 rounds of ammunition were recovered. While the Panel was unable to inspect the materiel, the authorities' investigations concluded that it was coming from Libya.

7. On 3 September 2014, Tunisian authorities seized a pick-up truck between the Libyan border and Ben Guerdane. The Panel was not allowed to inspect the materiel, but it was provided with a list of its content: 30 detonators, 28 defensive grenades, 4 rockets for RPGs and 7 charges, more than 6,000 7.62x39mm cartridges, 1 AK rifle and a very large sum in Tunisian dinars. The car had a Tunisian licence plate and only Tunisian nationals were arrested in this case.

8. The Panel inspected the arms and ammunition recovered from the Oued Elil operation of October 2014.[103] Two of the three assault rifles recovered after the operation were AK 103-2 (see Picture 2), which are very typical of Libyan arsenals. The Panel sent a tracing request to the Russian Federation, whose response is still pending. Analysis of the 237 rounds of 7.62x39mm recovered at the site show 7 different types of head stamps, of which 5 have been documented in Libya by the Panel, strongly indicating that the ammunition originated in Libya. Data recovered from a cell phone found at the site indicates that the group was in regular contact with individuals in Libya.

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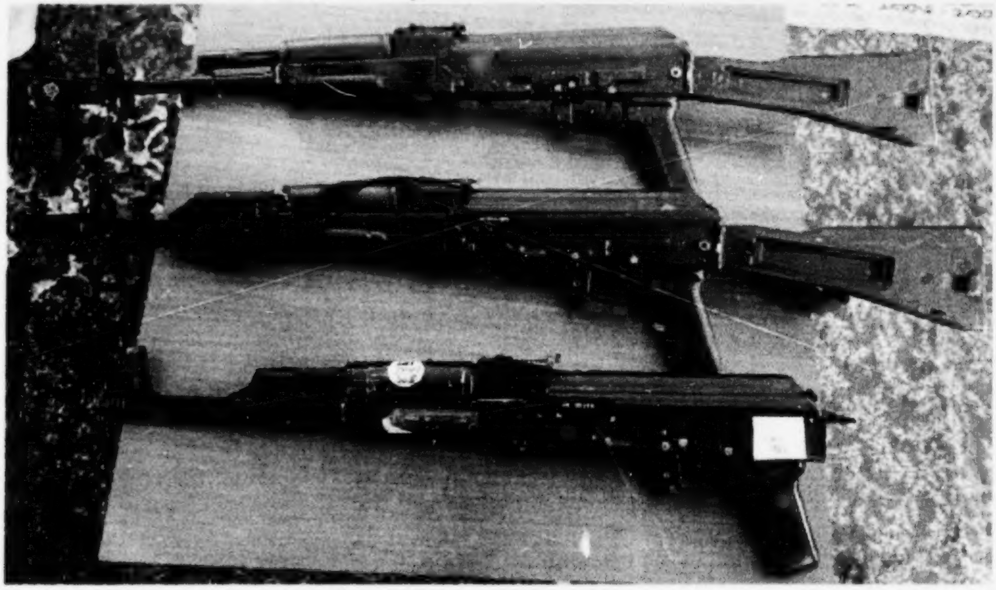
[102] "Tunisie, fin des operations a Raoued: 7 terroristes abattus, dont probablement Gadhgadhi (vidéo)", Business News, 4 February 2014, http://www.businessnews.com.tn/Tunisie---Fin-des-op%C3%83%C2%A9rations-%C3%83%C2%A0-Raoued--7-terroristes-abattus,-dont-probablement-Gadhgadhi-%28vid%C3%83%C2%A9o%29,520,44045,3

[103] "Oued Elil: 6 terroristes morts dont 5 femmes", Shems FM, http://www.shemsfm.net/fr/actualite/oued-ellil-6-terroristes-morts-dont-5-femmes-94091.

Picture 3: Assault rifles recovered after the operation in Oued Elil



Source: Panel of Experts, Tunis, December 2014

9. According to interviews conducted in Tunisia, terrorists are continuously seeking to procure SALW, explosives and ammunition. While some degree of illicit trafficking still appears to occur in the south of the country, the authorities are currently particularly concerned about smuggling along the Tunisian/Libyan border in the north, involving trafficking networks from the area of Ben Guerdane.

Reported transfers of weapons to Algeria

10. During the current mandate, the Panel has regularly noted press articles reporting weapons trafficking. The Panel contacted Algeria to obtain additional information and requested a visit. As previous Panel letters to Algeria, it has remained unanswered.

2. Transfers through eastern borders

Transfers of arms from Libya to Egypt

11. Since the revolution, Libya has presented an increasing challenge to Egypt's internal security, particularly in terms of weapons trafficking and terrorism. The Panel has visited Egypt several times since its creation in 2011, and twice during this mandate.

12. While the authorities have reinforced security measures along the border with Libya, the amount of illicit trafficking remains significant. The Panel noted numerous reports of seizures and anti-smuggling operations published in the media in 2014.[104]

Materiel originating from Libya and seized by the authorities

13. The Panel was provided with lists of materiel seized in 2014, which includes hundreds of SALW (blank pistols, handguns, hunting rifles, assault rifles, RPGs, machine guns), tens of thousands of rounds of ammunition for SALW, as well as missiles, explosives and grenades (at Egypt's request, the list is not included in the report). Egypt did not grant the Panel access to examine materiel.

Routes

14. According to Egypt, arms enter through three main border crossings: from Ghaghbub, Libya to Siwa in the desert south; from Musaid to Salum in the north, where the authorities have mainly seized materiel in 2014; and by sea from Bardiyah to Marsa Matrouh. Smuggling networks have also been identified operating out of southern Libya to Sudan and onwards to Egypt.

End-users

15. Libya is a pre-eminent source of arms used in criminal and terrorist activities in Egypt. Groups including Ansar Beit El Makdess receive support from some Libyan actors, including military materiel. Transfers of arms to Gaza through Egypt are also continuing.

16. While the information provided by Egypt since 2011 has been useful in assessing the ongoing proliferation from Libya, the Panel has faced difficulty in obtaining detailed information relating to specific cases of illicit trafficking. Details of the networks and individuals involved are crucial to identify parties involved in committing violations. The Panel hopes that cooperation on the matter will develop further.

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[104] محمد بحات، "ضبط مخزن سلاح بالضبعة يحوي 500 بندقية مهربة من ليبيا"، الموجز، 2 December 2014, http://almogaz.com/news/politics/2014/12/02/1753227; "ليبيا من مهربة تركية بنادق بضبط مطروح أمن"، بوابة إفريقيا الإخبارية، 4 December 2014, http://www.afrigatenews.net/content/ليبيا-من-مهربة-تركية-بنادق-بضبط-مطروح-أمن

Picture 4: Seizure of arms and ammunition operated on the Egyptian/Libyan border, August 2014

Source: Facebook page of the Egyptian Army[105]

Investigations related to transfers to Syria

17. In its previous reports, the Panel noted that transfers of arms to Syria had occurred since the beginning of the Syrian revolution. Cases investigated included transfers by sea and by air to countries neighbouring Syria, and involving a range of Libyan and foreign actors (see S/2013/99 and S/2014/106). The Panel obtained additional details and intelligence regarding cases of transfers between 2012 and 2013. However, the Panel received very little information about movements in 2014, possibly indicating a declining trend.

18. In order to investigate confirmed and potential cases of transfers from 2011 to 2013, the Panel conducted research in Libya, Lebanon and Turkey during the previous mandates. The Panel interviewed a range of stakeholders, including representatives of national authorities, security organs, foreign intelligence services, Libyan members of Syrian armed groups and representatives of the Syrian opposition. For some time, the Panel had been requesting a visit to Syria to obtain further information about trafficking trends of military materiel from Libya.

19. The Panel was finally able to visit Syria in December 2014, where it met the Ministry of Foreign Affairs and security forces. They briefed the Panel about military support provided to the Syrian opposition groups, including from Libya, either organized by Libyans or by third countries. Syria confirmed that transfers from Libya had been among the most significant military support provided to the opposition at the beginning of the uprising. They explained that

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[105] https://www.facebook.com/Egy.Army.Spox/photos/pb.217455035052153.-2207520000.1417853402./521125954685058/?type=3&permPage=1.

transfers had been made to various groups of the Syrian opposition, including Jabhat el Nusra and ISIS.

20. Syria provided information regarding numerous cases of transfers from Libya, in 2012 and 2013 by sea through Tripoli in Lebanon, Jordan and Turkey. The information included names of actors believed to be linked to smuggling operations, and their methods. They also provided a list of arms that may have originated from Libya that were seized by the Syrian army on the borders and within the country. As the information provided was not detailed enough for the Panel to pursue its investigations, Syrian officials in Damascus and in New York promised to provide more complete details, which have not been received to date.

21. Syria also confirmed that the vessel Al Entisar brought 400 tons of materiel into Turkey for onward transfer to Syria in September 2012. This case appeared in the Panel's previous reports and the investigation is still ongoing (see paragraphs 183 to 188 of S/2013/199). The same vessel was involved in a violation of the arms embargo in April 2013, regarding a transfer of embargoed goods to Libya, prevented by the Turkish authorities (see Annex 21). In a letter to the Committee dated 2 December 2014, Turkey informed that the vessel had been released and had left Istanbul on 28 May 2014.

22. In May 2014, Syria arrested three Syrian individuals from the island of Arwad, who had reportedly organised arms transfers from Benghazi to Syria in 2012. The Panel is waiting for additional details regarding the judicial case.

23. Another Member State confirmed that several transfers from Libya to Syria took place in 2013, and provided details regarding the types of materiel involved: small arms, light weapons (KONKURS launchers, SA-7 MANPADS), 81mm mortar launchers, 14.5mm and 23mm anti-aircraft machine guns and 106mm recoilless guns. The transfers had been prepared in military facilities in Libya, including Souq el Ahad and Ben Gashir, as well as Islamist training camps in Derna.

24. The Panel also obtained documents from confidential sources regarding coordination meetings focusing on the supply of arms and ammunition to the Syrian opposition, which took place in Syria's neighbouring countries. Attendees included Libyan nationals, Syrian opposition leaders, as well as Saudi, Jordanian, and Turkish nationals. The Panel is still investigating this information.

25. Finally, the Panel obtained information from a Member State regarding a potential transfer of materiel from Libya to Syria in January 2014. However, to date the Panel has been unable to acquire any further information, and Syria was unable to confirm this shipment.

26. The Panel also asked Turkey, Jordan and Lebanon whether they had intercepted or had information about any transfers of arms from Libya since 2013. All three Member States responded that they had not.

Investigations related to transfers of weapons to Lebanon

27. In its previous report (see paragraph 195 of S/2014/106), the Panel noted that at the beginning of the Syrian uprising, weapons were smuggled from Libya through Lebanon and onward to Syria, with entry points changing according to the evolution of territorial control. With the evolution of the Syrian crisis, the transfer of arms operated both ways across Lebanon's northern and north-eastern borders. The Panel visited Lebanon in December 2014 to discuss these issues and to obtain an update regarding the investigations conducted on the case of the vessel Letfallah II.

28. On 9 and 12 December 2014, meetings were held with the military prosecutor and head of the Military Court, and with officials from the Lebanese Army Intelligence Directorate, the Division of Information in the Lebanese Internal Security Forces Directorate, and the General Security Directorate.

29. Lebanon confirmed that arms transfers in both directions decreased when the Syrian army succeeded in dominating most of the border with Lebanon. The Lebanese army made strenuous efforts to control the Lebanese border, and to stop the smuggling operations from regions and villages allied to the Syrian revolutionaries. Several seizures of arms, ammunition, and explosives occurred along the borders and inside Lebanese territory. Lebanon declined the Panel's request to inspect the seized arms, indicating that this materiel was still *sub-judice*.

30. The Panel received information from several sources concerning arms smuggling operations by sea from Libya into Lebanon, occurring since 2011. Arms on ships were being smuggled into Lebanon, mainly through the port of Tripoli, under the pretext of carrying non-lethal materiel or humanitarian aid to the Syrian people. In 2012, one of these ships, the Letfallah II, was seized in the port of Tripoli, loaded with arms and ammunition from Libya. Other sources reported that some ships anchored off the Lebanese coast and unloaded arms into smaller boats, which in turn smuggled them into Lebanon. During meetings with the Panel, the Lebanese authorities dismissed this as rumour, stating that no seizures had occurred at Lebanese ports other than of the Letfallah II. Concerning that case, they stated that there was no information additional to that previously provided (see paragraphs 171 to 182 of S/2013/99 and paragraphs 197 et seq. of S/2014/106).

31. The Panel requested UNIFIL to confirm and clarify the information regarding the alleged illicit trafficking of arms by sea, and to indicate whether any ship transporting military materiel into the UNIFIL Area of Maritime Operations had been detected. A response is awaited.

3. Transfers through southern borders

32. Several arms trafficking networks have emerged and established themselves in the south of Libya since the revolution, which continue to draw on stockpiles diverted during and after the revolution. Trafficking networks in Libya are still 'harvesting' materiel inside Libya for onward

sale in the region, and are using caches to store materiel for eventual later use. This guarantees sustained proliferation outside the country.[106]

33. Traffickers rely on local smuggling networks, including Tebu and Tuareg clans and families who control smuggling activities of different kinds of goods and the territories and routes by which this materiel is moved. Traffickers either buy materiel which they think is of interest to groups in other countries and then reach out to potential clients (see paragraph 38 below), or they purchase specific materiel in Libya using a 'shopping list' given to them by their 'customers', including armed groups (see paragraph 48 below).

34. With the absence of State control over the south of Libya, which has prevailed since the revolution, and the development of regional terrorist groups in the region, concerns have been growing about the southern region becoming a strategic zone for terrorist groups in the Sahel, particularly in terms of training, acquisition of military materiel, funding, rest and recuperation, and potentially recruitment.

35. Finally, in Niger and Chad the Panel received additional information about potential transfers of military materiel from Libya to Boko Haram in Nigeria. The Panel sent several requests for visit to Nigeria in the past two years. However, despite preliminary approval for a visit, none has yet materialized.

Illicit weapons trafficking to Chad

36. During the Panel's visit to Ndjamena in November 2014, Chad explained that the south of Libya represented a significant security threat, particularly with regard to the presence of Sahelian terrorist groups and weapons trafficking. Despite the development of border control, Chad reported that it had suffered from arms smuggling from Libya since the beginning of the uprising, and the loss of state control of national stockpiles (see S/2013/99 and S/2014/106).

37. Reported cases indicate that traffickers from the regions of Tibesti, Borkou and Ennedi, Tebu smuggling networks in particular, have been trafficking significant quantities of military materiel from Libya to Chad, mainly for onward sale to groups outside Chad. Materiel brought into Chad by traffickers included assault rifles, heavy machine guns, MANPADS, recoilless 106mm guns, mines and different types of ammunition. Stocks of materiel were in particular identified in the areas around Faya and Gouro.

38. Tebu arms traffickers have been buying materiel in Libya that they consider is in demand in the wider region, and then seeking potential clients for it, with lists of products and prices; photographs are also often sent by phone. Examples of such lists have been provided to the Panel and indicate, for example, that SA-7 MANPADS are being sold for between USD 10,000 and 12,000 (see Table 2).

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[106] For a detailed analysis of smuggling networks in the Fezzan, see Rafaa Tabib, 'Factions armees et dynamiques des reseaux de contrebande d'armes dans le Fezzan occidental', Small Arms Survey, forthcoming.

Table 2: Prices of arms originating from Libya sold by traffickers in the Sahel region

Type	Price in CFA	Price in USD
106mm recoilless gun	10,000,000	17,000
14.5mm machine gun	5,000,000	8,500
12.7mm machine gun	3,000,000 to 4,000,000	5,000 to 7,000
SA-7 MANPADS	6,000,000 to 7,000,000	10,000 to 12,000
RPG	1,000,0000	1,700
Anti-tank Mines (e.g. PRB M3)	85,000	150

Source: Chadian and Nigerien authorities

39. In 2012 and 2013, the Chadian authorities, with external support, operated a buy-back scheme, focusing mainly on MANPADS, to prevent transfers of this particularly sensitive materiel to armed groups in the Sahel region. The Panel reported in 2013 that the Chadian authorities had seized more than 30 MANPADS (see paragraph 142 of S/2014/106).

40. Chad has continued to seize materiel coming from Libya and is in particular worried about transfers to Boko Haram. The Panel asked for detailed information regarding specific cases which took place in 2014, but this was not provided.

Illicit weapons trafficking to Sudan

41. Since the revolution, the trafficking of weapons from Libya to Sudan has consistently been identified as a significant security challenge for Sudan. This was again stressed by the Permanent Representative of Sudan to the United Nations during his meeting with the Panel in New York in September 2014.

42. Trafficking networks operating in the Fezzan are collecting weapons in the south of Libya, and moving them from Kufra to Sudan for onward transfers throughout the region.[107] Since 2011, the Panel has made numerous requests to visit Sudan to discuss the issue and obtain information. However, access has never been granted.

43. According to recent media reports, the Sudanese authorities made several seizures of arms and ammunition coming out of Libya. On 23 November 2014, a press article quoted the local director of the security and intelligence services of the locality of Shendi, stating that arms and ammunition coming from Libya had been seized between Shandi and Metema. On 17 December 2014, another media article reported the Sudanese foreign minister claiming that that the Joint Sudanese-Libyan forces succeeded in seizing 25 vehicles loaded with weapons and ammunition on the border with Libya.[108] The Panel contacted Sudan to obtain additional information and to have access to the materiel. A response is awaited.

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[107] For detailed information about the smuggling route to Dongola, see Rafaa Tabib, "Factions armees et dynamiques des reseaux de contrebande d'armes dans le Fezzan occidental", Small Arms Survey, forthcoming.

[108] "احباط تهريب اسلحة على الحدود السودانية الليبية", الوطن اونلاين, 17 December 2014, http://www.alwatan.com.sa/Politics/News_Detail.aspx?ArticleID=209141&CategoryID=1.

Trafficking through south western borders to terrorist groups in the Sahel

44. In order to support the countries of the region (G5 Sahel) to fight against cross-border terrorism, the French authorities launched Operation *Barkhane* in August 2014. While the current operation centres are in Mali and Chad, working on jihadist movements and their supporting networks in the five countries, areas immediately surrounding southern Libya are a primary focus. One of the aims of the operation is to disrupt trafficking networks and the movements of armed groups between Mali and southern Libya to prevent further consolidation of 'terrorist sanctuaries' in the area.

45. The Panel visited Niger in October 2014 and met representatives of Operation *Barkhane* in Ndjamena in November. Following its meeting with *Barkhane*, the Panel was also provided with additional technical information by the French authorities.

46. In its previous reports, the Panel indicated that arsenals of terrorist groups in Mali included arms and ammunition stolen from Malian national stockpiles as well as materiel coming from Libya (see paragraphs 113 to 130 of S/2014/106). According to France, materiel originating from Libya has been increasing in terrorist groups' arsenals and Libya has become the main source of procurement for these groups.

47. Operation *Barkhane* has intercepted several convoys of materiel coming out of Libya since August 2014, amounting to several tons of materiel which was destined for terrorist groups in the region, in particular Northern Mali. A number of members of terrorist groups, including the spokesperson of the Al Murabitun, have been killed or arrested during these operations.

48. In order to procure military materiel from Libya, terrorist groups either use established traffickers or send their own people in with a list of materiel. The convoys neutralised by Operation *Barkhane* included individuals of various nationalities from the sub-region, reflecting the cross-border nature of trafficking and terrorist networks, which are very much intertwined.

49. Sahelian terrorist groups rely on the cooperation of a number Libyan brigades who share elements of the same ideology, in particular around Awbari. Some of these brigades have been conducting border control activities since the revolution and taxing convoys going through the area they control.

50. Information provided indicates that routes and dynamics identified in the Panel's previous report are still in use. However, as surveillance has increased, traffickers' *modus operandi* has evolved and transfers are increasingly made in several stages. Smugglers use caches or hideouts in areas just before the border or at a junction or crossroads, including in the Air Mountains in Niger and in the Tanezrouft, from where another group picks up the consignment at a suitable opportunity.

51. For instance, on 9 October 2014, Operation *Barkhane* intercepted a convoy of vehicles belonging to Al-Qaida in the Islamic Maghreb (AQIM) in northern Niger, which was transporting military materiel from Libya to Mali. The convoy included six vehicles transporting

over three tons of arms and ammunition, including assault rifles, ammunition, mortar bombs, RPGs and complete SA-7 MANPADS.

Annex 34 Current investigations regarding the travel ban

I. Designated Qadhafi family members

Aisha, Mohammed and Hannibal Qadhafi, and Safia Farkash Al-Barassi

1. As previously reported (see paragraphs 202 et seq. of S/2014/106), media reports indicated that three children of Muammar Qadhafi subject to the travel ban, Aisha, Mohammed, and Hannibal Qadhafi, along with Muammar Qadhafi's widow Safia Farkash Al-Barassi, had left Algeria and travelled to the Sultanate of Oman in October 2012. In response to the Panel's letter requesting information about the status of the four individuals named in the press reports, the Permanent Representative of the Sultanate of Oman to the United Nations indicated that Aisha Qadhafi and Mohammed Qadhafi were present in Oman. No notification or exemption request had been made to the Committee, and this lack of compliance was addressed in the Panel's last Final Report (S/2014/106).

2. In August 2014, the Panel visited Muscat and enquired about further reports that Safia Farkash Al-Barassi had recently travelled to Oman. The Omani authorities confirmed that she had travelled from Algeria to Oman on 9 January 2014 to receive treatment for cancer. While resolution 1970 (2011) contains a humanitarian exemption to the travel ban measures, in order to enact this, exemption must be sought from the Committee in advance of the entry. Although the Omani authorities posited humanitarian grounds for the entry of the abovementioned designated individuals, Oman failed to secure approval pre-entry, and this represents a further non-compliance with the measures by Oman. The travel of Safia Farkash Al-Barassi from Algeria to Oman therefore represents a violation of the travel ban.

3. The Omani authorities stressed that their shelter of the listed individuals was based on humanitarian grounds, and to attempt to ease tensions by removing the individuals from the region to minimise their influence on Libyan politics. They stated that they had consulted with both the governments of Libya and Algeria on this matter. They explained that all such individuals had to sign a document agreeing to refrain from any political activity. An unsigned copy of this agreement was promised to the Panel, and is still awaited at the time of writing.

4. The Omani authorities stated that all designated individuals' expenses for education and medical costs were met by the Omani government. They were not aware of any assets held by designated individuals, and had not had cause to freeze any such assets in Oman.

5. In response to an enquiry about the location of Hannibal Qadhafi, the Omani authorities disclosed that he had been offered the opportunity of relocating to Oman, subject to the signing of the agreement mentioned above. They stated that he had declined to sign such a document, and had therefore been refused entry. This may indicate his ongoing involvement in attempts to undermine the current regime. The Omani authorities stated that they did not know his current location.

6. As previously reported, the Panel wrote to Algeria on 13 April 2013 regarding the reported travel of listed individuals. On 17 and 28 May 2013, the Panel sent further letters to Algeria enquiring about the status of Hannibal Qadhafi and Safia Farkash Al-Barassi. By letter dated 5 June 2013, the Permanent Representative of Algeria informed the Committee that Aisha Qadhafi and Mohammed Qadhafi had travelled to Oman with their families. The list of the Qadhafi family members who had left Algeria for Oman, which was part of the letter to the Committee, did not include Hannibal Qadhafi and Safia Farkash Al-Barassi. No response has been received to the latter enquiries. On 20 August 2014, the Panel sent a further letter regarding the current location of Hannibal Qadhafi, which still awaits reply. On 2 October 2014, the Committee, in follow-up to a recommendation contained in the Panel's interim report, wrote a letter to Algeria inquiring about the whereabouts of Hannibal Qadhafi. As of this writing, a response to the Committee is still outstanding.

7. A media report in December 2014,[108] supported by a letter dated 30 May 2015, purportedly from the former Libyan Prime Minister, Ali Zeidan, to the Foreign Minister of Germany, alleged that Safia Farkash Al-Barassi had travelled from Oman to Germany for further cancer treatment in June/July 2014. Despite the Panel specifically asking about any possible further travel of Safia Farkash Al-Barassi during its visit in August 2014, it was given no indication by the Omani authorities that she had travelled to Germany. As no exemption request for this travel was received by the Committee, such travel would have represented a further violation of the travel ban.

8. The Panel sent a letter requesting information about this allegation to Germany, and in response, Germany stated that Safia Farkash Al-Barassi had applied for a Schengen visa in May 2014 at the German consulate in Oman. She used the name Safia Farkash Mohammed Al-Hadad, date of birth 1 January 1953, and Oman passport 03825239. The application was refused. However, Germany cannot be certain that she did not obtain a Schengen visa by other means. Their enquiries continue. The Panel recommends that the Libya Sanctions List be updated with the additional identifiers contained herein.

9. The Panel recently sent a letter on this matter to Oman and received a reply stating that Ms. Al-Barassi had attempted to obtain a visa for such travel at the German Embassy in Oman, but was refused. As a result she did not travel, and received treatment in Oman. There is therefore no violation of the travel ban in this case.

Interview of Aisha and Mohammed Qadhafi

10. In the interest of fairness and balance, the Panel decided to interview those listed individuals that agreed to be interviewed and to whom it could get access. Consequently, after consultation with her lawyer, an interview was arranged with Aisha Qadhafi in November 2014. Members of the Panel visited Muscat with the cooperation of the Omani authorities, and

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[108] "أرملة القذافي خضعت لعملية جراحية في ألمانيا منتصف العام الحالي"، الشرق الأوسط، 12 December 2014, http://www.aawsat.com/home/article/242411/أرملة-القذافي-خضعت-لعملية-جراحية-في-ألمانيا-منتصف-العام-الحالي

interviewed her and her brother Mohammed Muammar Qadhafi in the presence of a representative of the Ministry of Foreign Affairs of Oman.

11. During the interview, they both described how they travelled first to Algeria, then to Oman. They stated that they had not travelled elsewhere since the imposition of the measures, and that they had few assets, all of which were currently frozen in various Member States. Aisha Qadhafi, upon being asked about the charity she supported, the Wa'atissimu Foundation, promised to provide documentation which would illustrate the benign nature of the charity and its finances.

12. Subsequently, an intermediary in another Member State gave the Panel some historical bank statements on her behalf. Preliminary examination of the statements reveals nothing falling under the Panel's mandate.

13. On 17 July 2014 the Panel wrote to Libya, asking to interview the various individuals currently in custody in Libya, but no response has yet been received (see Recommendation xx).

14. On 2 October2014 the Committee wrote a further letter to Libya, following up the Panel's recommendation to this effect in its interim report. No response has yet been received

Saadi Qadhafi

15. During the previous mandates, numerous media reported an alleged plot to smuggle Saadi Qadhafi, who is subject to both the assets freeze and the travel ban, and his family to Mexico in 2011. The plot allegedly involved senior staff of the Canadian company SNC-Lavalin, and another Canadian citizen who spent 18 months in custody in Mexico on charges of conspiracy to smuggle Saadi Qadhafi and his family to Mexico, using forged passports and Mexican documents.

16. As previously reported (see S/2014/106), the Panel sent letters to the authorities in Mexico, Switzerland and Canada asking for more information on this alleged plot. During the current mandate, the Panel continued to exchange letters with these three Member States, with varying levels of responsiveness. The Panel continues to investigate this case.

Quren Salih Quren Al-Qadhafi

17. The Panel received information from a confidential source, stating that Quren Salih Quren Al-Qadhafi, an individual designated under the travel ban measure, was resident in Egypt and had travelled to one and possibly two other Member States. In December 2014, the Panel met and interviewed Quren Al-Qadhafi in Cairo. During that interview he stated that he was living in Egypt, but denied having left the country since his arrival. However, he did state that he left Sabha in Libya on 26 October 2011, and travelled to Algeria via the border crossing at Ghat, using his personal passport. Once in Algeria, he took a flight from a local airport to Algiers, where he spent two days. Then, on 29 October 2011, he flew from Algiers to Casablanca with Royal Air Maroc. He flew from Casablanca to Egypt with Egypt Air around five days later. He

also stated that after having been in Cairo about a week, he presented himself to the security services and confirmed to them that he was now living in Egypt.

18. As no relevant notification or request for exemption from the travel ban measures has been received by the Committee, his travel from Libya to Algeria, from Algeria to Morocco, and from Morocco to Egypt represents three separate violations of the measure by Mr. Al-Qadhafi, and non-compliance by the Member States mentioned. Letters inviting rebuttal were sent to Algeria, Morocco and Egypt.

19. On 5 January 2015, a response was received from Egypt, stating that *"Mr. Quren Salih Quren Al-Qadhafi entered Egypt without the knowledge of Egyptian authorities, short of prior or later notification."* Egypt further stated that that *"Mr. Quren Salih Quren Al-Qadhafi used a different name: "* قرين صالح اقرين "[transliterates as 'Akrin Saleh Akrin'], *to enter the Egyptian territories in November 2011."*

20. This would explain why he was able to enter the country undetected, however it does not explain why no notification was made to the Committee following Mr. Al-Qadhafi's alleged presentation of himself to the authorities.

21. On 6 January 2015, a response was received from the Kingdom of Morocco, stating that Mr. Al-Qadhafi has never entered Morocco under that identity. This suggests that his name in his passport has the slightly different spelling noted by the Egyptian authorities above. Efforts to contact Mr. Al-Qadhafi for confirmation of this since receipt of the Egyptian response have so far been unsuccessful. The relevant entry in the Libya Sanctions List should therefore be updated to note the different spelling (see Recommendation 5).

Annex 35 Asset freeze implementation challenges

African Central Banks

1. As previously reported, the Panel has continued to seek information regarding the implementation of the assets freeze by countries supervised by the two Central Banks serving several African countries, namely the *Banque Centrale des Etats de l'Afrique de l'Ouest* (BCEAO) and the *Banque des Etats de l'Afrique Centrale* (BEAC). Letters were sent to every relevant Member State, but none have replied. Likewise, no response has been received to letters sent to both Central Banks. The Panel visited Niger, one of the Member States concerned, in September 2014 to discuss the case of Saadi Qadhafi. During that visit, Niger confirmed that at that time, it did not have any legal capacity to freeze assets, but that new legislation had just been passed to freeze criminal assets, and was going to be put before parliament in the ensuing months. A copy of the law was promised to the Panel, but despite a reminder of this and other matters sent on 10 October 2014, it has yet to be received. It has been reported that such a law was adopted by parliament on 23 October 2014,[110] but this does not appear to include the power to freeze assets in compliance with United Nations asset freeze measures, but only those involved in crime.

United Republic of Tanzania

2. The Panel previously reported on both the assistance provided to it by Tanzania in respect of its enquiries into the affairs of Saadi Qadhafi (see below), and to its lack of legal capacity to implement the asset freeze measure owing to a lack of domestic legislation enabling United Nations sanctions. This information was provided to the Panel by the Tanzanian authorities during the Panel's visit to Dar-es-Salaam in 2013. Despite the official quality of the source of the information, the representatives of the Permanent Mission of Tanzania challenged this finding when the Panel was in New York to present its last Final Report (S/2014/106). The Panel therefore requested that the Permanent Mission provide a reference to the relevant legislation, and encouraged Tanzania to submit an Implementation Report to the Committee as required by paragraph 25 of resolution 1970 (2011). A further letter to that effect was sent on 23 April 2014, also requesting that Litali Holdings Ltd. and Al-Albani Islamic Centre Ltd. which are 99% owned by Saadi Qadhafi, be frozen in accordance with the asset freeze measure, along with their bank accounts. No response has yet been received.

3. In a further development (see paragraph 2 of Annex 36) it appears that despite the above, the assets of Ms. Dalene Sanders, suspected of involvement in assisting Saadi Qadhafi to violate the assets freeze measure, have been frozen since February 2013. It is not clear under what

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[110] "Conseil des ministres: le Gouvernement adopte plusieurs projets de lois et des mesures nominatives", Le Sahel, 22 October 2014, http://www.lesahel.org/index.php/component/k2/item/7021-conseil-des-ministres-le-gouvernement-adopte-plusieurs-projets-de-lois-et-des-mesures-nominatives.

measure, or by what legislation, this has happened. See abovementioned paragraph for further details.

Republic of South Africa

4. The Panel visited Pretoria, mainly to enquire into allegations that there were assets in South Africa that should be frozen under the asset freeze measure, but also to examine the capacity for freezing of assets in accordance with the relevant resolutions relating to Libya, and United Nations resolutions in general. In this respect, the Panel was provided with a comprehensive overview of the sophisticated laws pertaining to financial crime, and the *confiscation* of terrorist finance and the proceeds of crime.

5. It was, nevertheless, acknowledged that there was no domestic capacity to *freeze* assets purely in response to an assets freeze in a Council resolution, where there was no evidence of crime or terrorism. The government is aware of the deficiency, and has been attempting to draft the required legislation for some time. The South African authorities explained to the Panel that it was, however, as a result of historical abuses by previous regimes concerning the freezing and confiscation of property, hampered by parts of the constitution designed to protect the public from such abuses.

6. To counter this deficiency in the cases being investigated in South Africa by the Panel, the authorities were confident that should any hidden assets that ought to be frozen be discovered, the circumstances would enable alternative legislation to be used to freeze and retain the assets.

7. A letter was sent to South Africa indicating that this finding would be included in this report. In response, South Africa stated that it did not agree that it was unable to comply with the assets freeze measure.

8. However this is contrary to what the Panel was told in Pretoria in response to a direct question about the matter, and also to the explanation given by a Foreign Ministry official as to the constitutional reasons for the situation. This is reinforced by the assertion in the rebuttal letter that the Financial Intelligence Centre Act Amendment Bill is now at an advanced stage, indicating that while the matter is being addressed, it is still not yet in place.

Republic of Uganda

9. In response to a letter sent to Uganda before submission of the Panel's last Final Report (S/2014/106), inviting comment on the fact that the Panel intended reporting Uganda's lack of capacity to freeze assets in compliance with Council resolutions, a reply was received that was unfortunately too late for inclusion therein. The reply stated that Uganda was able to freeze assets in response to Council resolutions by virtue of section 118 of the Financial Institutions Act No. 2 of 2004, which states:

> *118. (1) The Central Bank shall if it has reason to believe that any account held in any financial institution has funds on the account which are the*

> *proceeds of crime, direct in writing the financial institution at which the account is maintained to freeze the account in accordance with the direction.*

10. As can be seen, this section refers only to the proceeds of crime, not to United Nations asset freeze measures. As such measures are not dependent upon the assets in question being the proceeds of crime, this section does not address the matter at issue.

11. However, as mentioned in paragraph 3 of this Annex, a communication from Ms. Dalene Sanders states that the Uganda assets of her company, Aurelius Holdings Ltd, have been frozen since February 2013. Again it is unclear upon what basis these assets have been frozen, and further details are contained in paragraph 4 of Annex 36.

Annex 36 Update of ongoing asset freeze investigations and enquiries

Saadi Qadhafi

United Republic of Tanzania

1. As previously reported, the Tanzanian police are in possession of a considerable amount of documentation regarding the accounts that are essential to the Panel in further investigating the violations perpetrated by Saadi Qadhafi and others, as well as in attempting to establish where the money has gone. The police and Ministry of Foreign Affairs agreed to provide this information to the Panel upon receipt of a further request letter. This was sent immediately following the mission in May 2013, and two reminders have been sent since, but to date no response has been received.

2. The Panel recently received a communication from Ms. Dalene Sanders (previously reported as being suspected of involvement in assisting Saadi Qadhafi to violate the assets freeze measure, see S/2014/106), stating that all of her assets in Tanzania have been frozen since February 2013. This is contrary to the information supplied by Tanzania during the Panel's visit in May 2013. Urgent enquiries are in hand.

Republic of Uganda

3. Following the Panel's visit in June 2013, the authorities provided bank statements for the accounts of Ms. Sanders's company, Aurelius Holdings Ltd, suspected of being involved in the illicit movement of Saadi Qadhafi's assets in violation of the assets freeze measures. Four deposits totalling USD 1,231,949 were made into the account between April and August 2012. Further enquiries revealed the source of these funds, and preliminary examination suggests a potential link with another designated individual, Hannibal Qadhafi. Investigations continue with several Member States into this information, and replies are still awaited.

4. Similarly to paragraph 2 above, Ms. Sanders's communication stated that the assets of Aurelius Holdings Ltd in Uganda have also been frozen since February 2013. This is again contrary to the information provided to the Panel during its visit to Uganda in June 2013, and reported previously (see S/2014/106). Urgent enquiries are in hand.

Republic of Niger

5. Following the Panel's visit to Niamey in September 2014, and as a result of information provided by the Nigerien authorities, a letter requesting documentation related to individuals concerned with the believed movement of assets belonging to Saadi Qadhafi was sent to Niger on 23 October 2014. No response has yet been received.

Mexico

6. In furtherance of the investigation into the plot to smuggle Saadi Qadhafi and his family into Mexico in 2011, the Panel has been trying to establish the source of the finances used by Mr. Qadhafi in the attempt, which are likely to be assets liable to freezing. Letters have been sent to Mexico requesting details of such finances, but no response has been received to date (see paragraph 16 of Annex 34).

Canada

7. Similarly, and as described above (see paragraph 16 of Annex 34), letters have been sent to Canada requesting information concerning the financing of this plot, in particular concerning the finances of three Canadian nationals and an Australian national then resident in Canada. This was initially refused on the basis that the matter was *sub-judice*. Despite the fact that the criminal investigation now appears to be concluded, the Canadian authorities have continued to refuse to supply the requested information.

Other matters related to Saadi Qadhafi

8. Sensitive supplementary information concerning persons associated with Saadi Qadhafi and others connected with the investigation continues to be sought from confidential sources, and will be reported upon in due course.

Abdullah Al-Senussi

9. As a result of the exemption request by the United Kingdom in 2013 for the receipt by a British law firm of GBP 500,000 for legal expenses for Abdullah Al-Senussi, full details of the transfer have been obtained by the Panel. Further enquiries indicate that these funds were remitted by a family member living in Egypt, from a bank in the United Arab Emirates. The Panel visited the United Arab Emirates in September to establish the true ownership of these assets, believed to be that of the designated individual. Banking documents were supplied by the Emirati authorities, and they are currently undergoing analysis.

10. As has been previously reported, according to information received from Morocco, Abdullah Al-Senussi visited several clinics whilst in Casablanca under the false name of Abdullah Ould Ahmed. The Panel is keen to visit Morocco to follow up on this information and to establish whether or not bank accounts and other assets have been established in the name of this false identity. The Panel has made several requests to visit Morocco for this purpose, the latest on 25 July 2014, but has received no response.

Assets in the Republic of South Africa

11. As previously reported, the Panel has been investigating allegations that a cargo of assets belonging to designated individuals is at Oliver Tambo airport in Johannesburg. The composition

of the assets is alleged to be cash, precious metals and stones, and the value in the tens of billions of United States dollars.

12. The Panel's initial enquiries suggested that these supposed assets belong to designated entities and/or individuals and are located in four banks and two storage facilities in South Africa. The Panel was keen to establish whether these assets actually exist, and if so, by whom they are owned. In the event they are owned by designated individuals or entities the assets should be immediately frozen by the South African government.

13. In order to assist with the identification of these assets, the Panel was supplied with a South African Reserve Bank account number and a supposed air waybill referring to the cargo of assets at Oliver Tambo airport by the investigation company retained by the Libyan Asset Recovery Committee, Sam Serj Ltd, of Malta.

14. The Panel contacted the transport company mentioned on the air waybill, who examined it and stated that they knew nothing of the cargo, and that the reference numbers were unknown to it, confirming the Panel's own assessment that the air waybill was a forgery.

15. Following several requests, the Panel visited Pretoria in August 2014 to discuss this and other matters with the South African authorities. The investigating officer in charge of this case confirmed that the document was a forgery, and said that there was insufficient evidence to obtain a warrant to search the many large warehouses at the airport. The authorities were satisfied that the alleged cargo did not exist.

16. Furthermore, the Ministry of Finance representative explained that the South African Reserve Bank, being South Africa's Central Bank, does not operate personal accounts of any description. They added that the account number did not match the format of any other South African bank and was likely to be false.

17. The Panel raised the matter of a believed conspiracy to defraud, centred on a South African company registered in Pretoria, Poviwize (Pty) Ltd. This company purported to be acting on behalf of the Government of Libya to investigate, identify and recover stolen Libyan government funds. It claimed to have authority from the 'National Board for the Following-up and Recovering of Libyan Looted and Disguised Funds', established by Libyan government decree no. 378. Enquiries with the Government of Libya established that neither the Board nor the Decree legitimately exist. Coincidentally, in May 2014, the Panel was contacted by a representative of the United Kingdom Home Office, who had received an email from a representative of this company, stating that their company was authorised to deal with Libyan funds as described above, attaching a 'Memorandum of Understanding' between it and the 'Board' along with other, clearly forged documents (see Annex 36.1 and Annex 36.2 below).

18. The South African authorities confirmed that they are aware of this company, and are conducting an investigation, details of which will be shared with the Panel upon the signing of a confidentiality agreement (which currently awaits ratification). Among the people involved,

some appear to be well connected in Libyan political circles, while others are known to have previously been involved in the arms trade, further ensuring the Panel's continued interest.

19. In December 2014, a United States-registered company also purporting to act for said 'Board' came to the Panel's notice. Enquiries revealed that the company was made up of some of the same individuals concerned with the South African company, and that it also relied on the forged 'Libyan Decree 378' as a basis for its engagement. The aim of the company is to identify Libyan assets in the United States, South Africa and elsewhere. What it intends to do with them if identified is unclear, but the Panel further emphasises that any such assets identified as owned or controlled by any designated entities or individuals must be immediately frozen in accordance with the asset freeze measure. Enquiries into this matter continue with various Member States, including Libya.

Hannibal Qadhafi

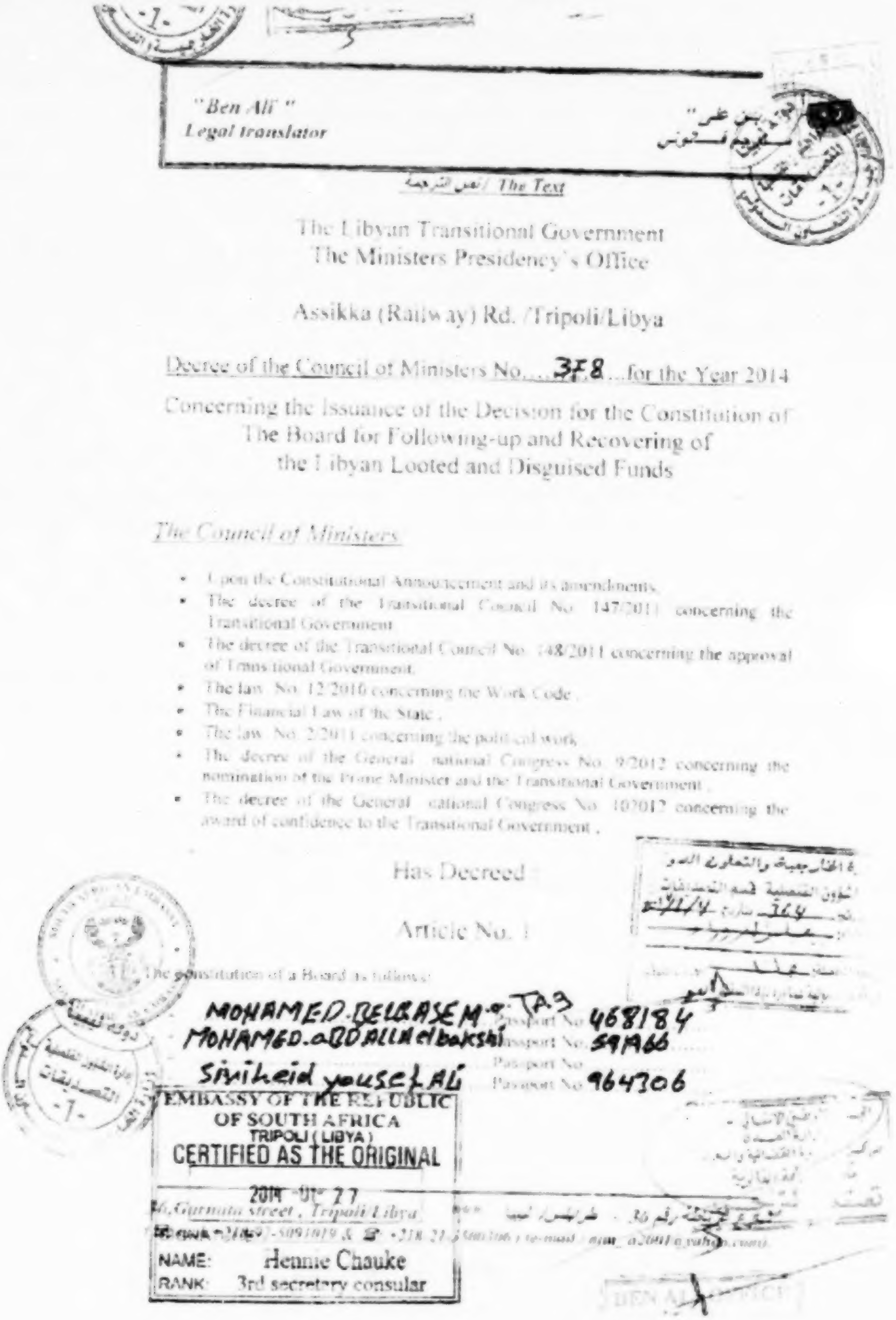
20. Following the provision of extensive financial documentation from a Member State, analysis thereof indicates the strong possibility that Hannibal and Aisha Qadhafi, individuals designated under the asset freeze measure, have moved very large sums of money from their bank accounts to what are believed to be 'front companies' in other Member States. The Panel has sent letters to these Member States requesting information and visits to further this investigation, and awaits response.

21. Another Member State has provided significant information in response to the Panel's enquiry, which is currently being analysed under the terms of a confidentiality agreement with the Member State concerned. This analysis has led to further enquiries in other states.

Other enquiries

22. A number of other enquiries of a confidential nature are underway, which will be reported upon should they reveal any relevant matters.

Annex 36.1: Forged Libyan government decree no. 378



"Ben Ali"
Legal translator

نص الترجمة / *The Text*

The Libyan Transitional Government
The Ministers Presidency's Office

Assikka (Railway) Rd. /Tripoli/Libya

Decree of the Council of Ministers No.....378...for the Year 2014

Concerning the Issuance of the Decision for the Constitution of
The Board for Following-up and Recovering of
the Libyan Looted and Disguised Funds

The Council of Ministers

- Upon the Constitutional Announcement and its amendments,
- The decree of the Transitional Council No. 147/2011 concerning the Transitional Government
- The decree of the Transitional Council No. 148/2011 concerning the approval of Transitional Government,
- The law No. 12/2010 concerning the Work Code ,
- The Financial Law of the State ,
- The law No. 2/2011 concerning the political work ,
- The decree of the General national Congress No. 9/2012 concerning the nomination of the Prime Minister and the Transitional Government ,
- The decree of the General national Congress No. 10/2012 concerning the award of confidence to the Transitional Government ,

Has Decreed :

Article No. 1

The constitution of a Board as follows:

MOHAMED.BELBASEM TA3 Passport No 468184
MOHAMED.ABDALLA elbakshi Passport No 59A66
.... Passport No
Siviheid yousef ALi Passport No 964306

EMBASSY OF THE REPUBLIC
OF SOUTH AFRICA
TRIPOLI (LIBYA)
CERTIFIED AS THE ORIGINAL
2014 -01- 27
NAME: Hennie Chauke
RANK: 3rd secretary consular

6,Gurnata street , Tripoli/Libya — طرابلس / ليبيا - 36 شارع غرناطة رقم

BEN ALI OFFICE

"Ben Ali"
Legal translator

" بن علي "
مترجم قانوني

نص الترجمة / The Text

Article No. 2

The Board will perform its activities under the name of " The National Board for The Following -up and Recovering of the Libyan Looted and Disguised Funds".

Article No. 3

The constituted board will perform , as per the regulations of the previous article of this decree - the necessary procedures and steps so as to know the Libyan looted and disguised funds abroad and for such purpose it can proceed as follows:

- The inventory of the Libyan Smuggled and disguised funds abroad or which has been invested into projects or delusive and unreal investment portfolios for the purpose of its smuggling , whether fixed or transferrable assets , and to collect the proofing documentations.
- To remove the camouflage methods of such funds and method of disguising , the places of existence , its movements and state the rights of its concern and the ways of its possession .
- The Board has the authority to recover the smuggled funds according to the legal procedures as legally decided and in accordance with the international stipulated conventions and agreements.

Article No. 4

The Board has the authorities to the assistance of whom thinks suitable from advocates, lawyers , auditors, accountants, businessmen and others so as to realize the objectives of this duty and task.

Article No. 5

The Board has the right to request from the competent authorities the supply of documents, contracts and filing regarding the projects and investments , the developmental programmes which had been stipulated during the precedent regime.

Article No. 6

The Board has the authorities to award the percentage of Ten Percent(10%) from the value of the recovered funds i.e. as a fee in favour of those with whom has agreed with from advocates, lawyers , consultants and others immediately after issuing the possession documentations and the recovery of these funds or projects.

EMBASSY OF THE REPUBLIC
OF SOUTH AFRICA
TRIPOLI (LIBYA)
CERTIFIED AS THE ORIGINAL

مكتب الترجمة القانونية
تعتمد الترجمة

36,Garnata street , Tripoli/Libya *** شارع غرناطة رقم 36 - طرابلس ليبيا
[illegible] : +218-21-3600406 | e-mail : aim_a2001@yahoo.com

"Ben Ali"
Legal translator

" بن علي "
مترجم قانوني

نص الترجمة / The Text

Article No. 7

The Board has the right to open bank accounts outside or inside Libya so as to facilitate the operation of collecting and transferring of the funds and hence it legally authorized to communicate with banks and sign all banking transactions and documentations.

Article No. 8

The authorities invested to the members of The Board are of equal entity so as to being authorized to sign the banking operations and the issued decision in solidarity but not individually.

Article No. 9

This decision enters into force since the date of its issuance and revoke any other decree or entrustment of the same competencies and conditions.

Approval of :

The Libyan Transitional Government
The Council of Ministers
The Decrees Unit
Tripoli/Libya

Issued on :

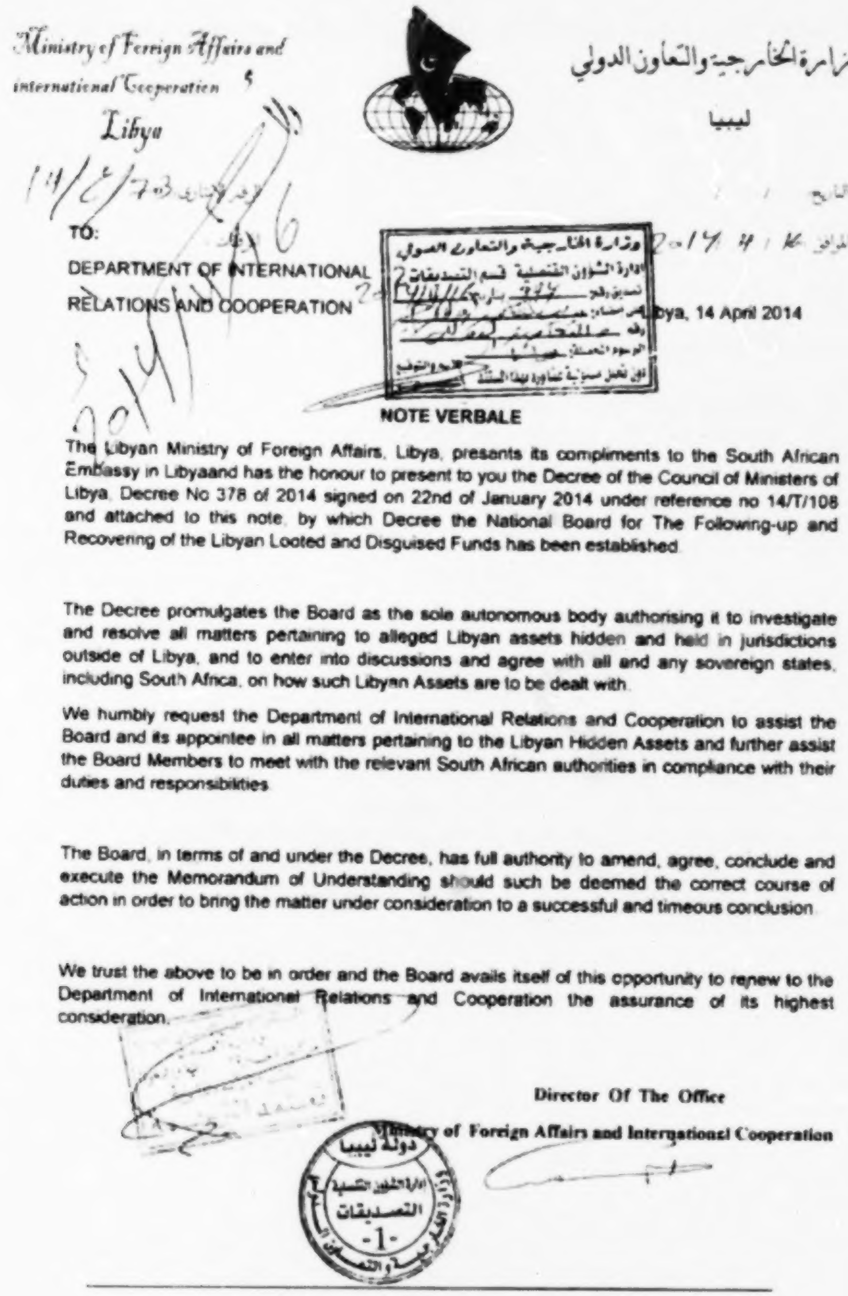
وزارة الخارجية والتعاون الدولي

دولة ليبيا

EMBASSY OF THE REPUBLIC
OF SOUTH AFRICA
TRIPOLI LIBYA
CERTIFIED AS THE ORIGINAL
2014 -01- 27

NAME:

Annex 36.2: Forged note verbale purportedly by the Libyan Ministry of Foreign Affairs



Ministry of Foreign Affairs and
international Cooperation
Libya

وزارة الخارجية والتعاون الدولي
ليبيا

التاريخ: / /
الموافق 2014 / 4 / 14

14/4/2014

TO:

DEPARTMENT OF INTERNATIONAL

RELATIONS AND COOPERATION

وزارة الخارجية والتعاون الدولي
إدارة الشؤون القنصلية قسم التصديقات
تصديق رقم 377

Libya, 14 April 2014

NOTE VERBALE

The Libyan Ministry of Foreign Affairs, Libya, presents its compliments to the South African Embassy in Libyaand has the honour to present to you the Decree of the Council of Ministers of Libya. Decree No 378 of 2014 signed on 22nd of January 2014 under reference no 14/T/108 and attached to this note, by which Decree the National Board for The Following-up and Recovering of the Libyan Looted and Disguised Funds has been established.

The Decree promulgates the Board as the sole autonomous body authorising it to investigate and resolve all matters pertaining to alleged Libyan assets hidden and held in jurisdictions outside of Libya, and to enter into discussions and agree with all and any sovereign states, including South Africa, on how such Libyan Assets are to be dealt with.

We humbly request the Department of International Relations and Cooperation to assist the Board and its appointee in all matters pertaining to the Libyan Hidden Assets and further assist the Board Members to meet with the relevant South African authorities in compliance with their duties and responsibilities.

The Board, in terms of and under the Decree, has full authority to amend, agree, conclude and execute the Memorandum of Understanding should such be deemed the correct course of action in order to bring the matter under consideration to a successful and timeous conclusion.

We trust the above to be in order and the Board avails itself of this opportunity to renew to the Department of International Relations and Cooperation the assurance of its highest consideration.

Director Of The Office
Ministry of Foreign Affairs and International Cooperation

دولة ليبيا
التصديقات
-1-

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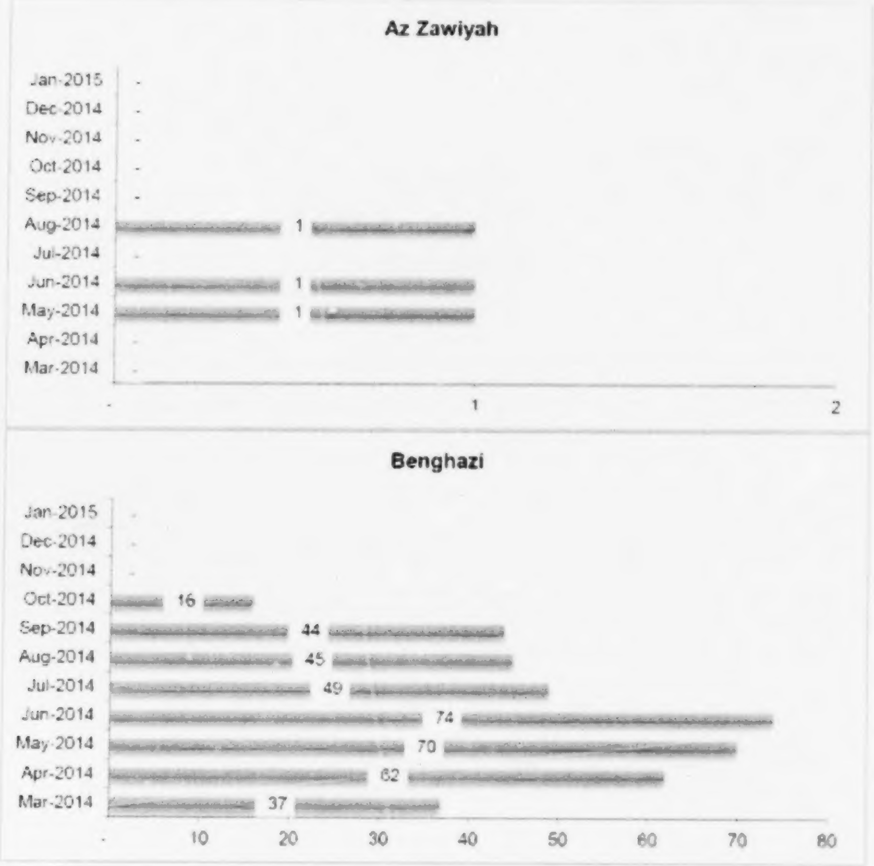
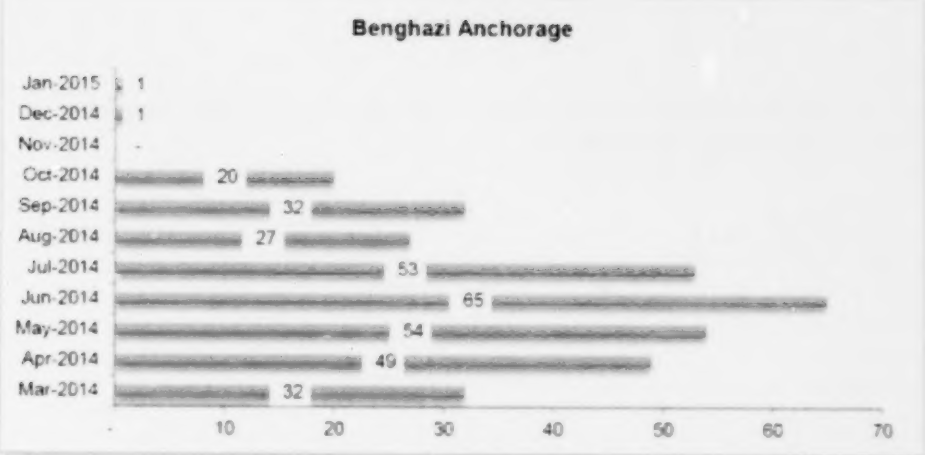
Annex 37 Vessel movements at Libyan ports

Graphic representation of port- and month-wise movement of vessels at Libyan ports from 19 March 2014 to 6 January 2015

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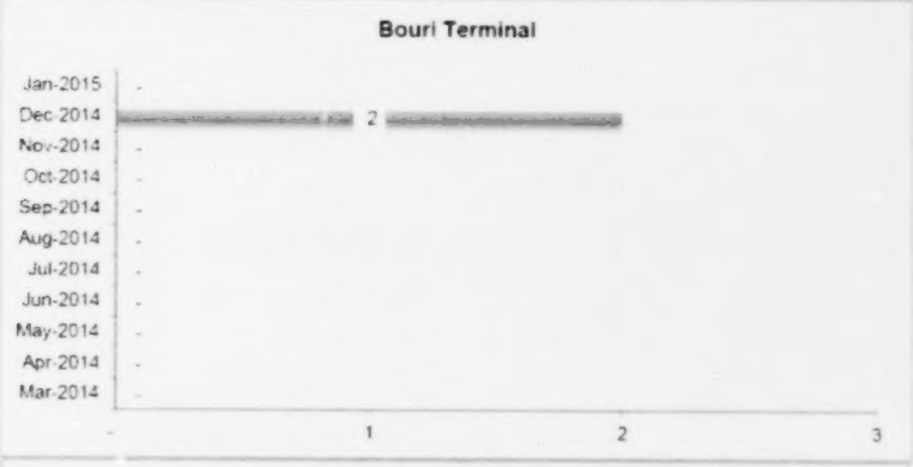
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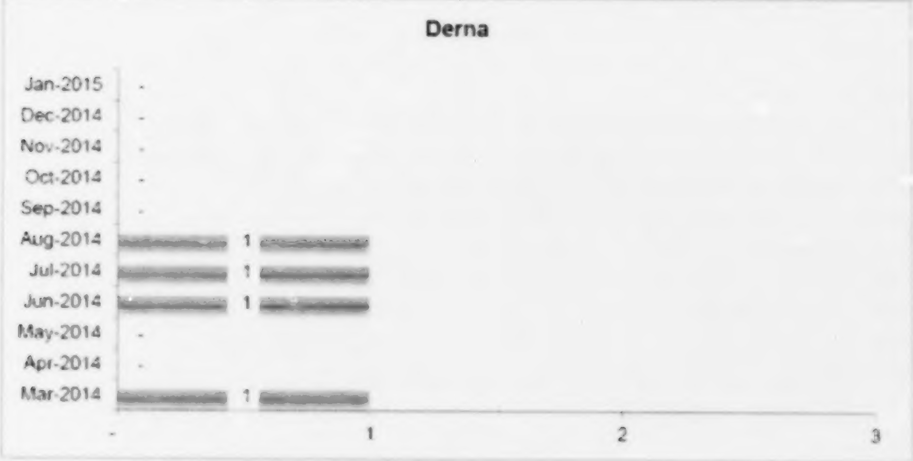
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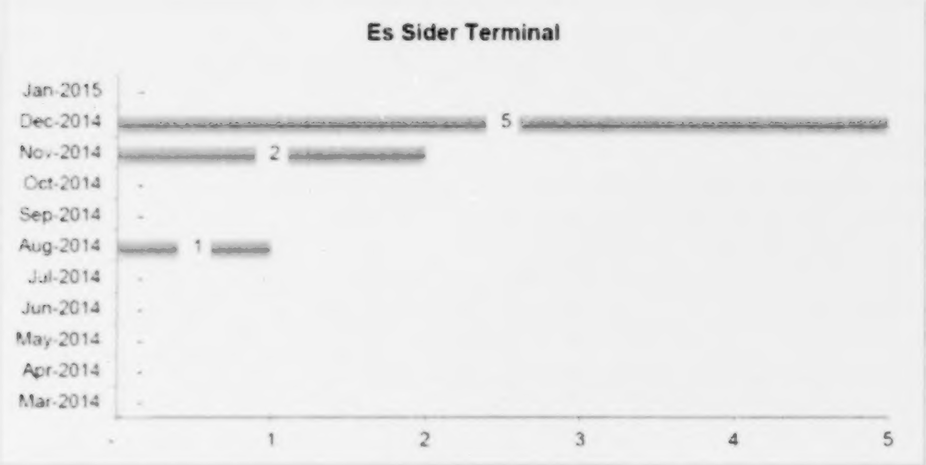
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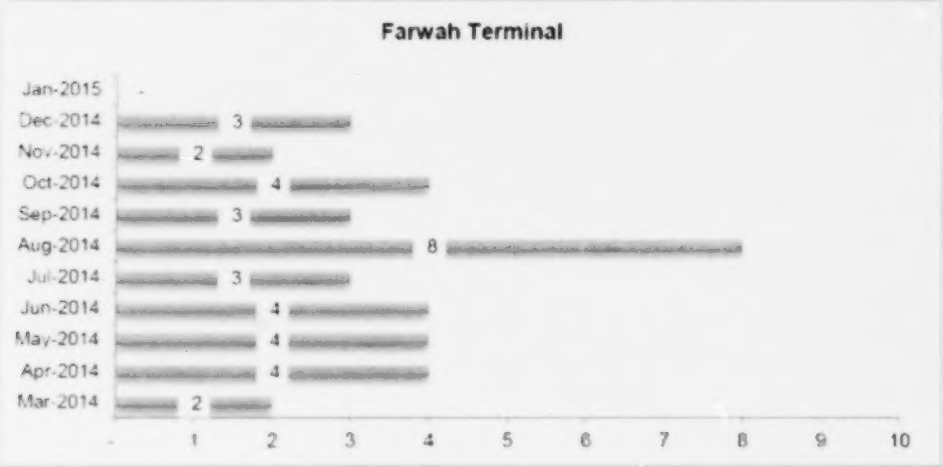
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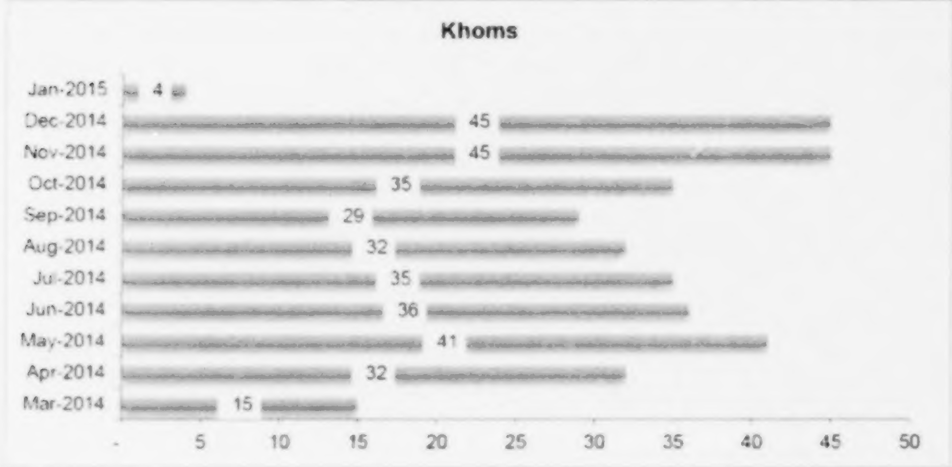
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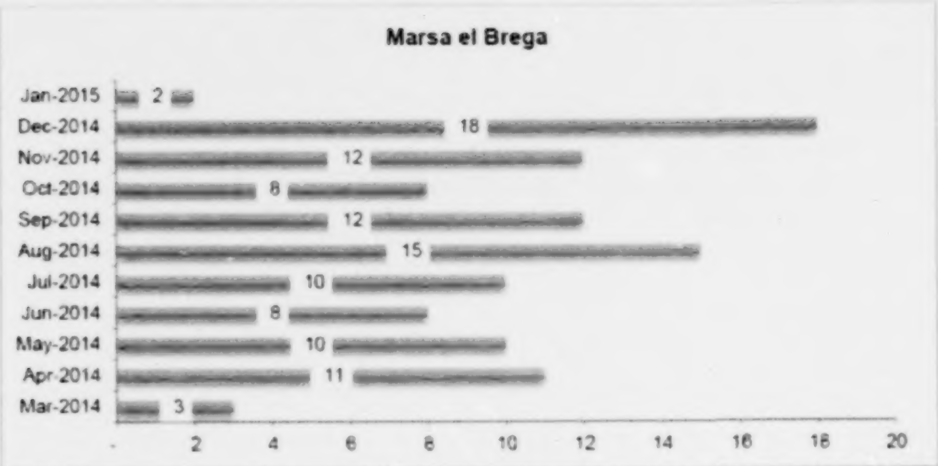
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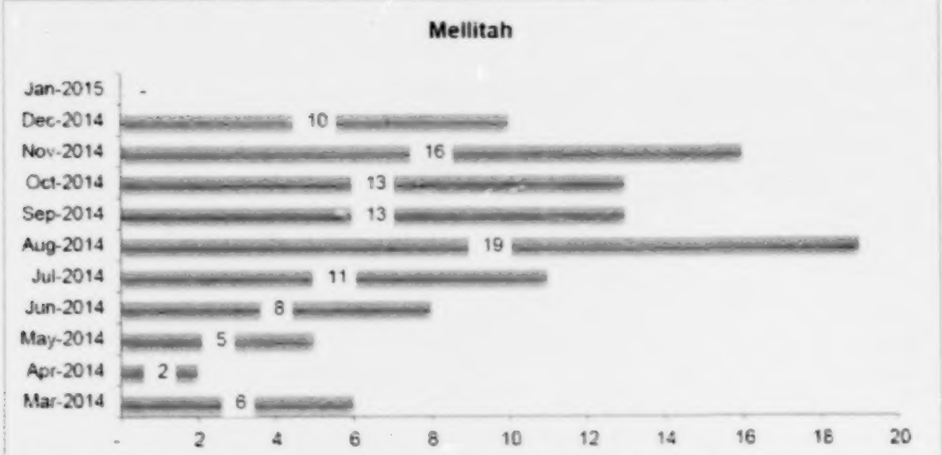
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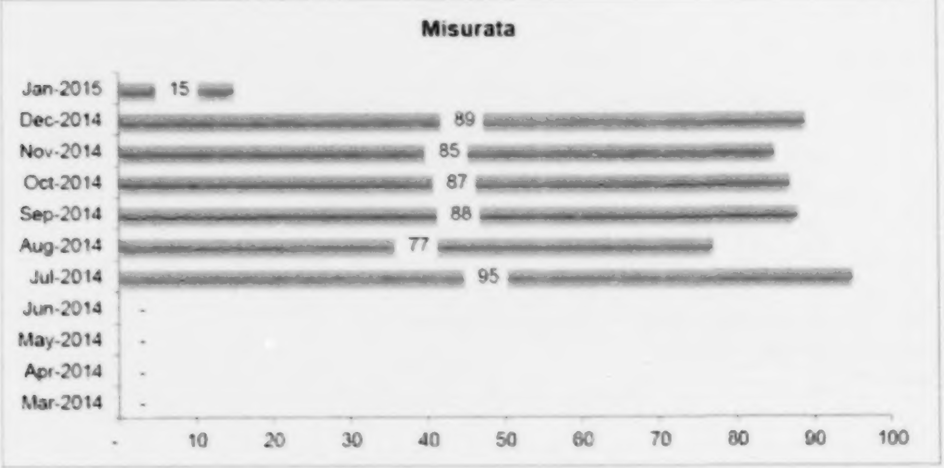
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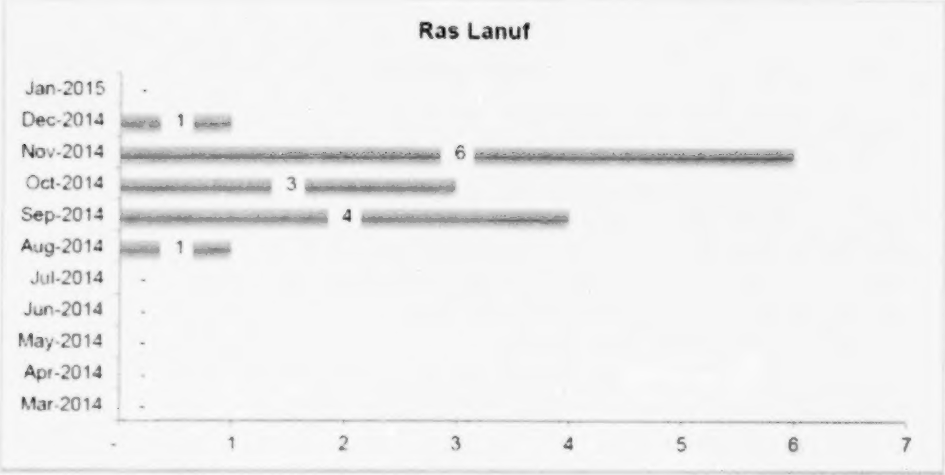

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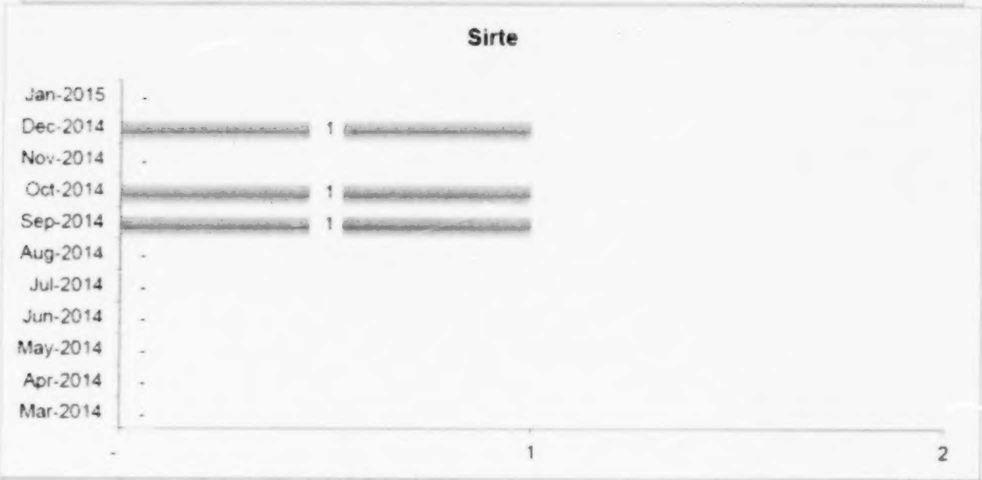

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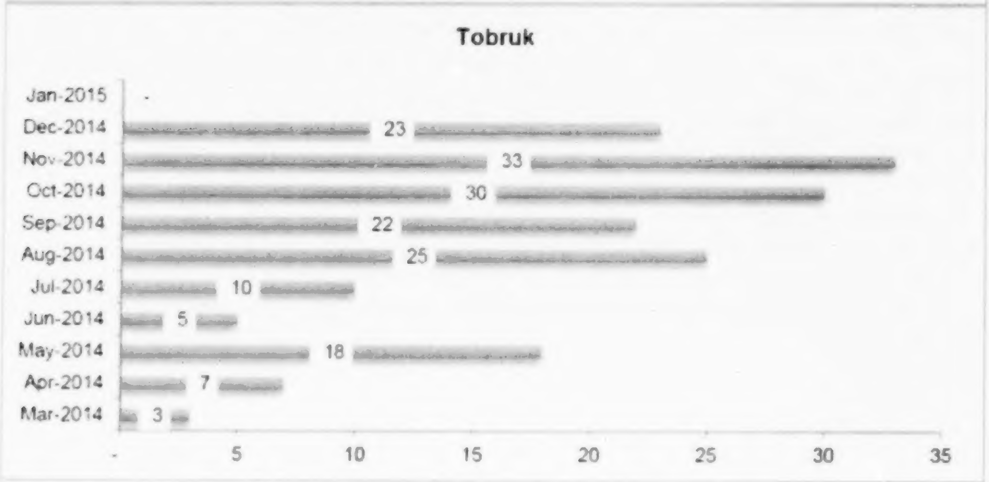

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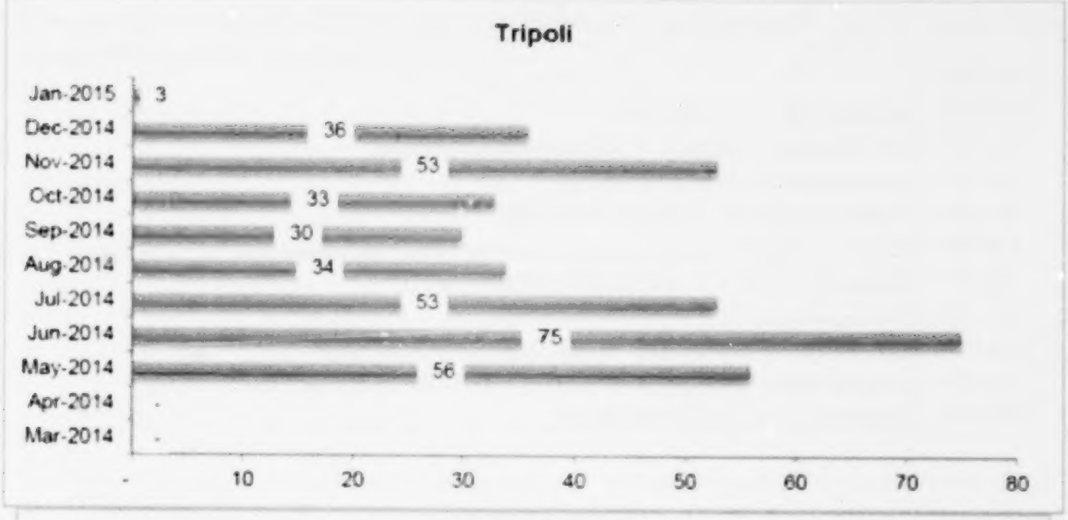
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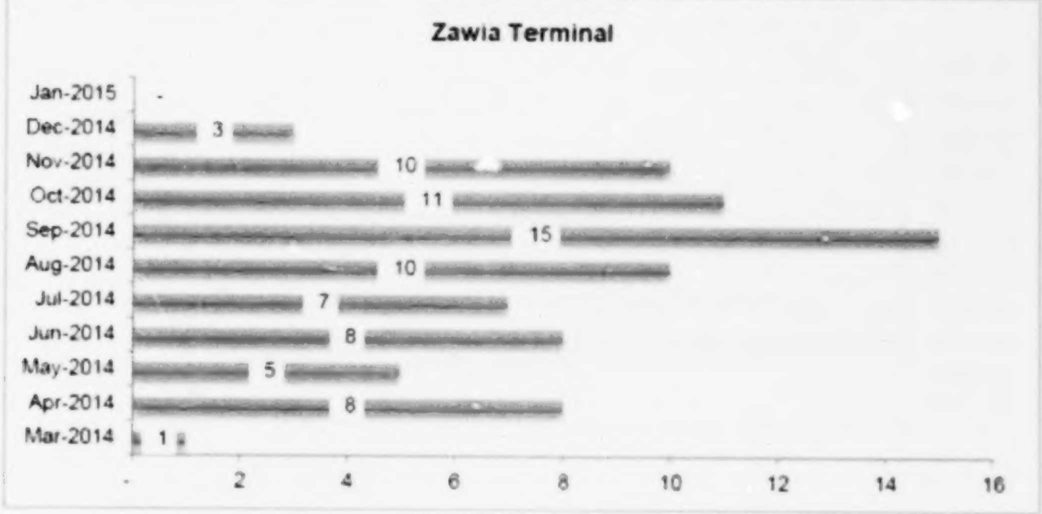
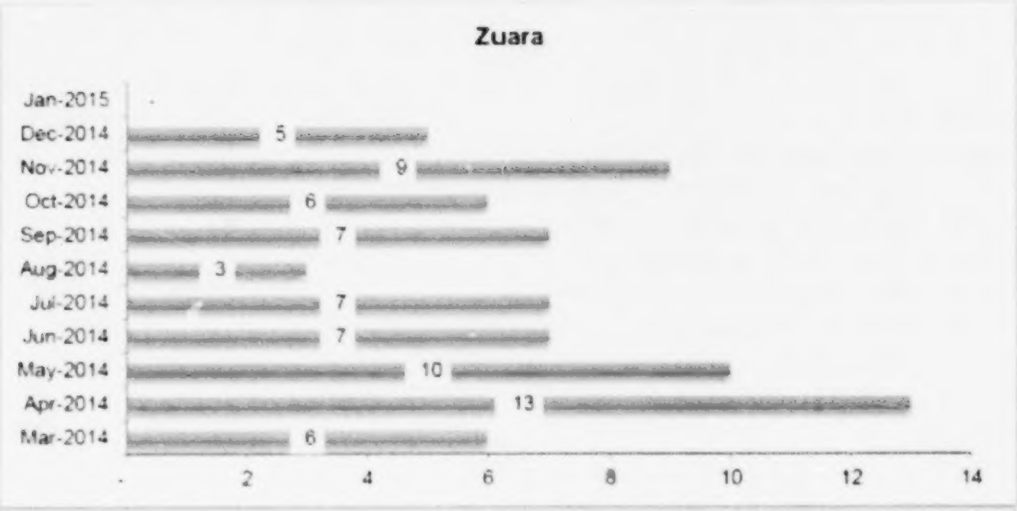
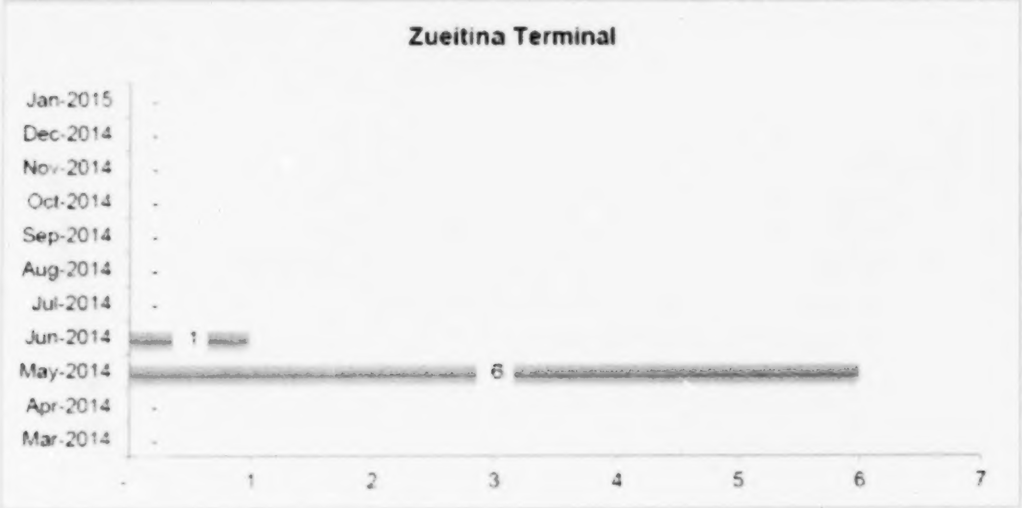
70
80


Zawia Terminal
Jan-2015
Dec-2014
Nov-2014
Oct-2014
Sep-2014
Aug-2014
Jul-2014
Jun-2014
May-2014
Apr-2014
Mar-2014
-
3
10
11
15
10
7
8
5
8
1
-
2
4
6
8
10
12
14
16

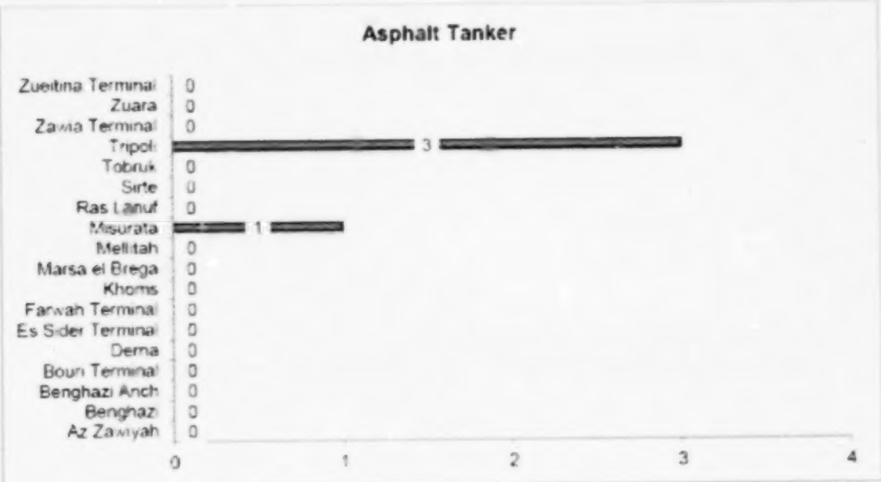


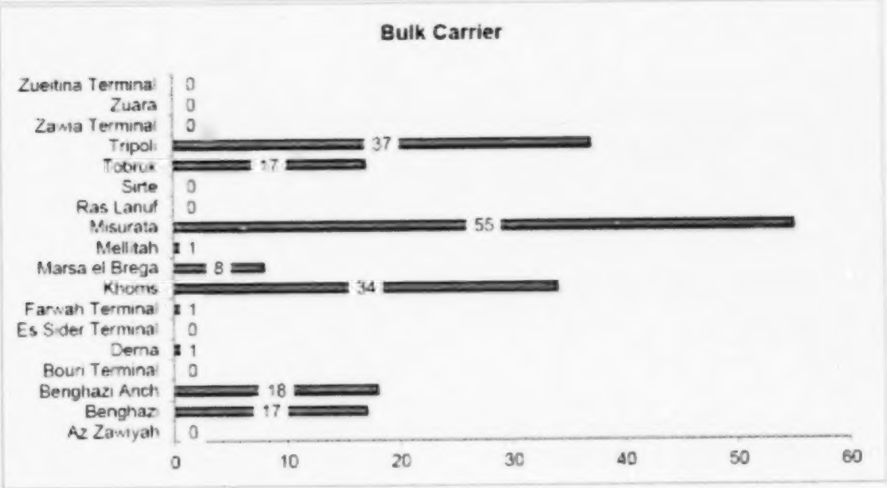
Zuara

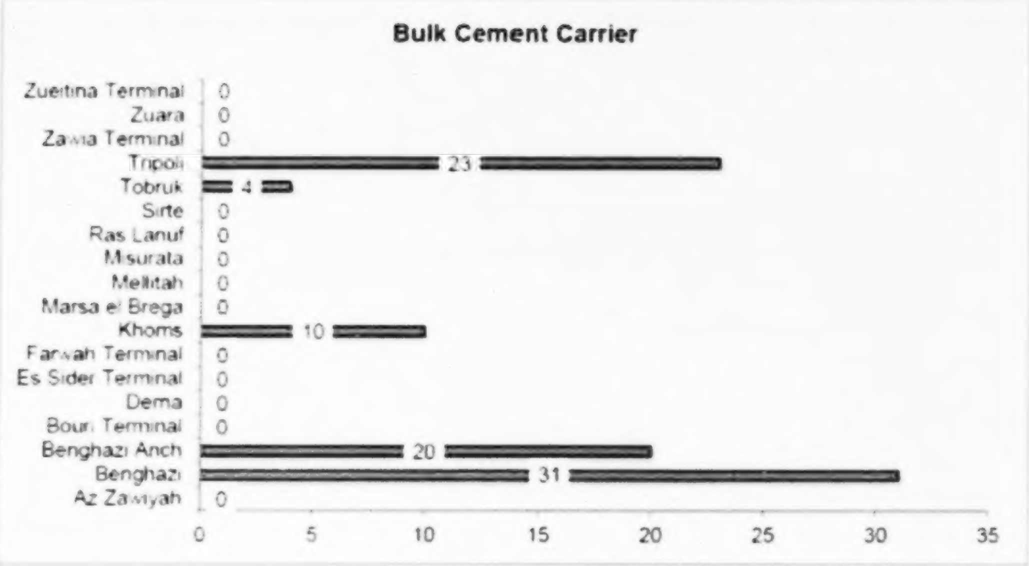


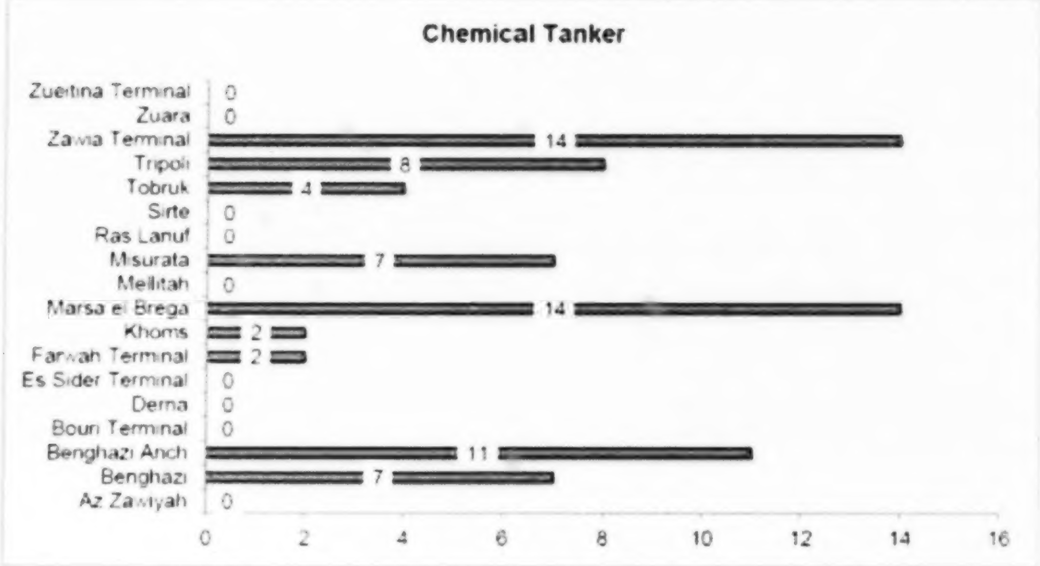
Zueitina Terminal

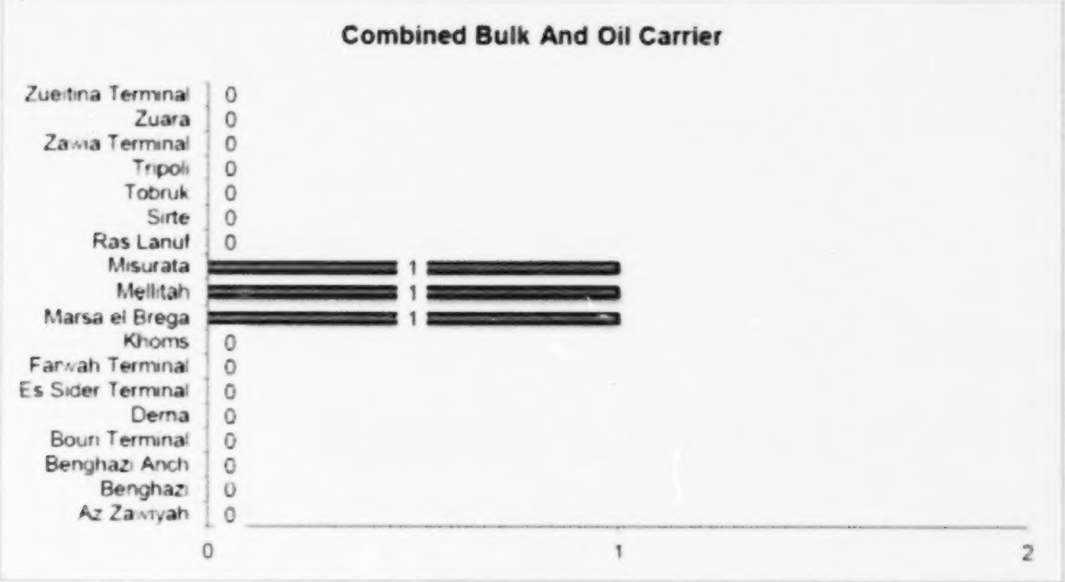
Graphic representation of commodity and month-wise movement of vessels at Libyan ports from 19 March 2014 to 6 January 2015

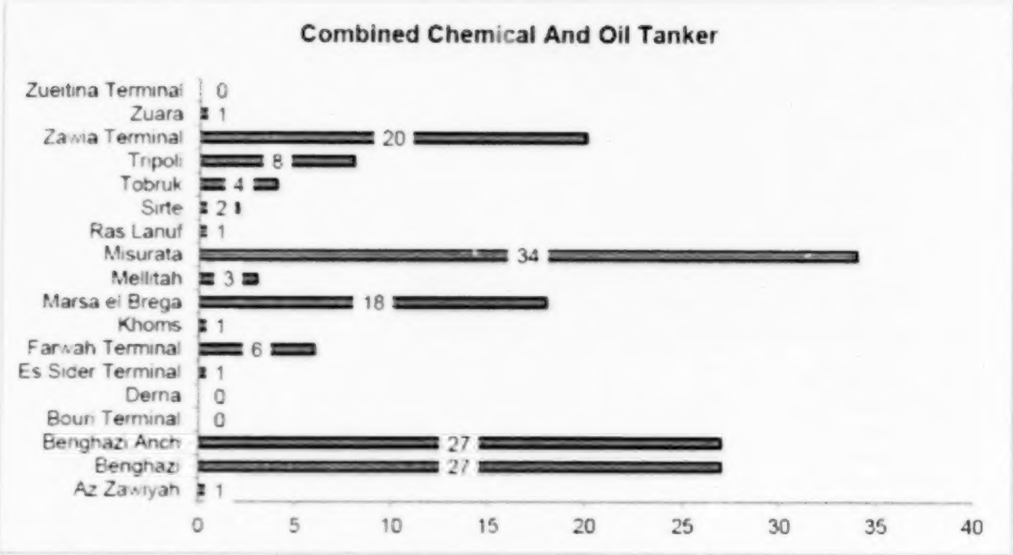


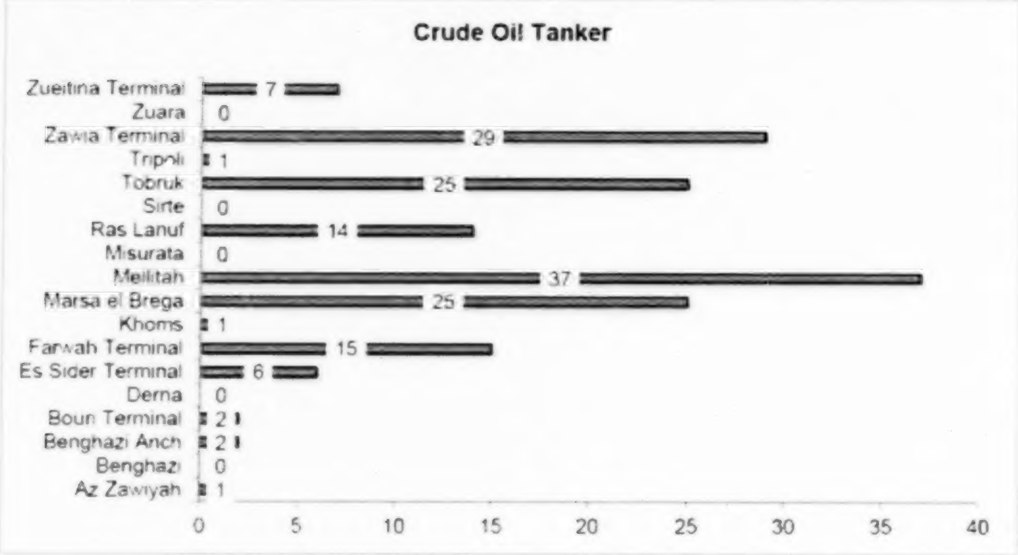


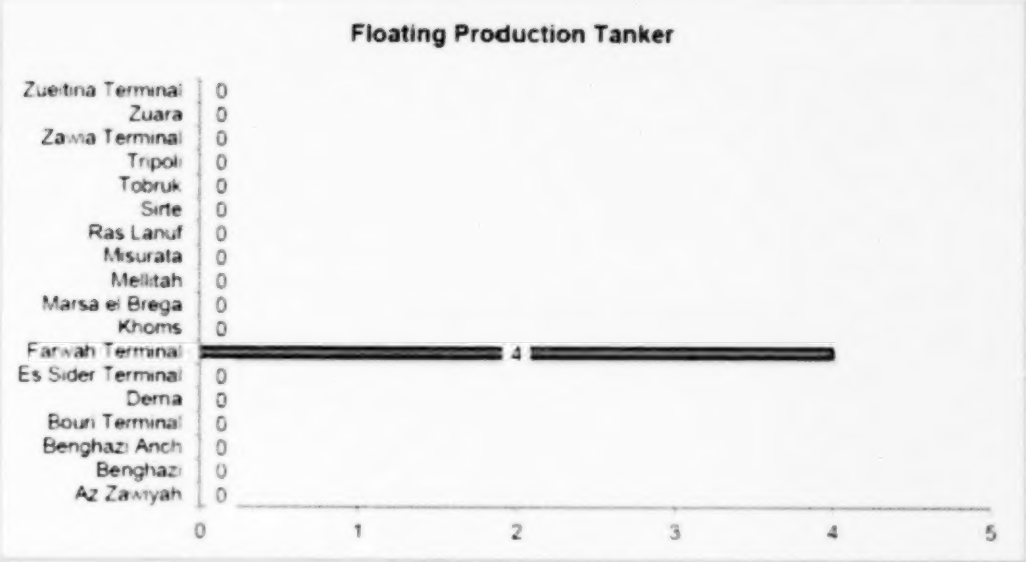

Bulk Cement Carrier
Zueitina Terminal 0
Zuara 0
Zawia Terminal 0
Tripoli 23
Tobruk 4
Sirte 0
Ras Lanuf 0
Misurata 0
Mellitah 0
Marsa el Brega 0
Khoms 10
Farwah Terminal 0
Es Sider Terminal 0
Derna 0
Bouri Terminal 0
Benghazi Anch 20
Benghazi 31
Az Zawiyah 0
0
5
10
15
20
25
30
35

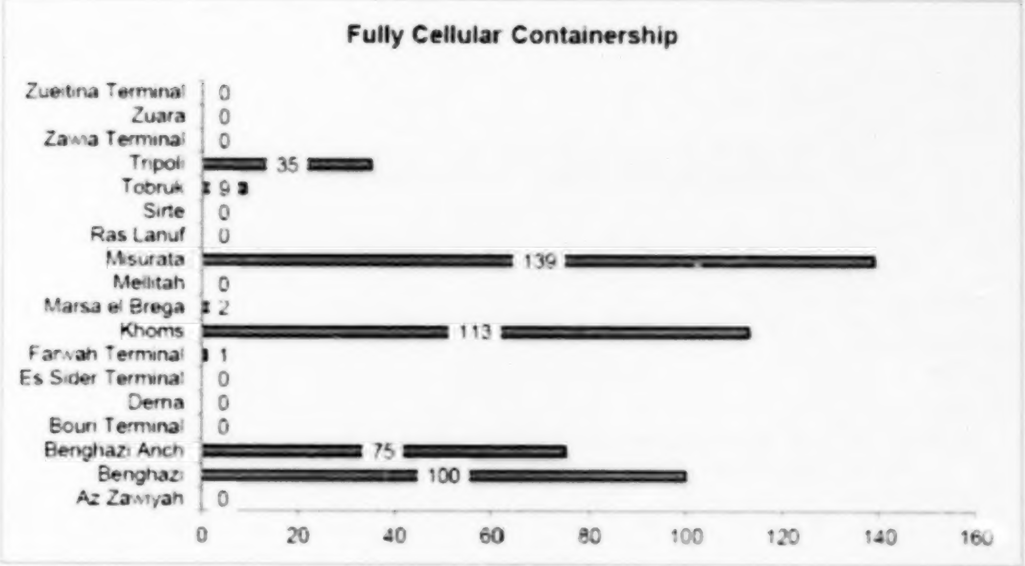

Chemical Tanker
Zueitina Terminal 0
Zuara 0
Zawia Terminal 14
Tripoli 8
Tobruk 4
Sirte 0
Ras Lanuf 0
Misurata 7
Mellitah 0
Marsa el Brega 14
Khoms 2
Farwah Terminal 2
Es Sider Terminal 0
Derna 0
Bouri Terminal 0
Benghazi Anch 11
Benghazi 7
Az Zawiyah 0
0
2
4
6
8
10
12
14
16

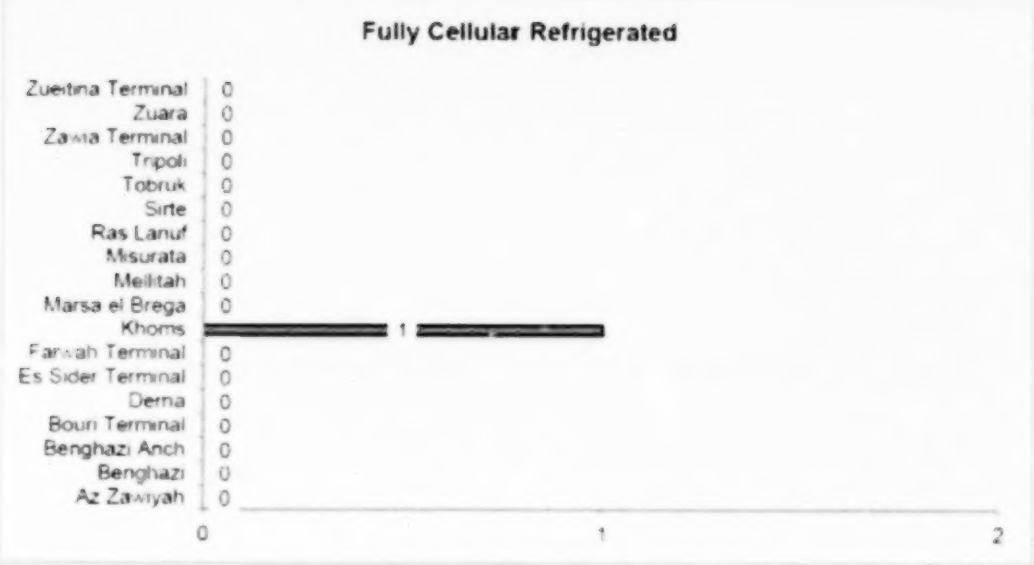

Combined Bulk And Oil Carrier
Zueitina Terminal 0
Zuara 0
Zawia Terminal 0
Tripoli 0
Tobruk 0
Sirte 0
Ras Lanuf 0
Misurata 1
Mellitah 1
Marsa el Brega 1
Khoms 0
Farwah Terminal 0
Es Sider Terminal 0
Derna 0
Bouri Terminal 0
Benghazi Anch 0
Benghazi 0
Az Zawiyah 0
0
1
2

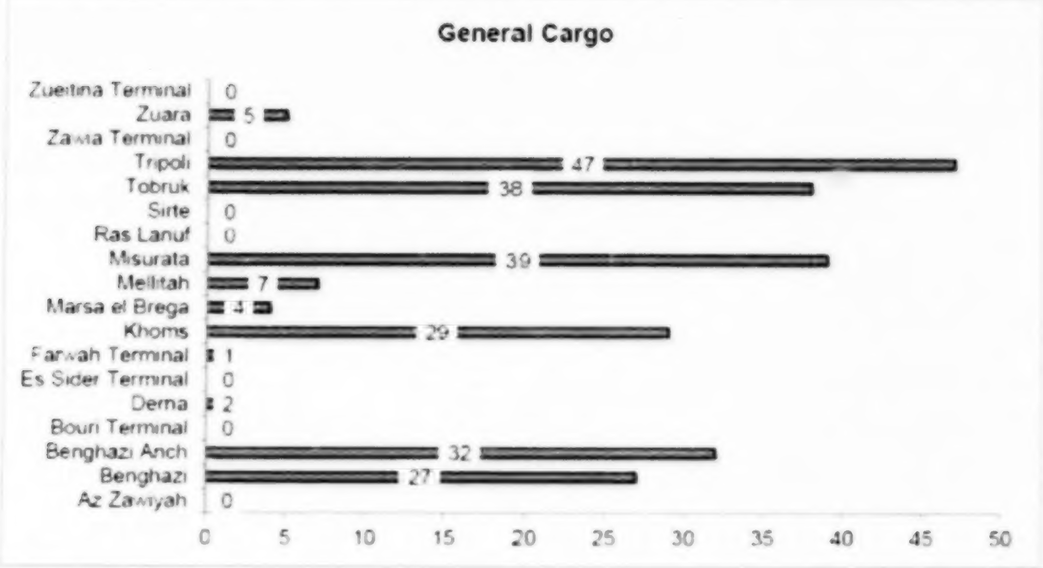

Combined Chemical And Oil Tanker

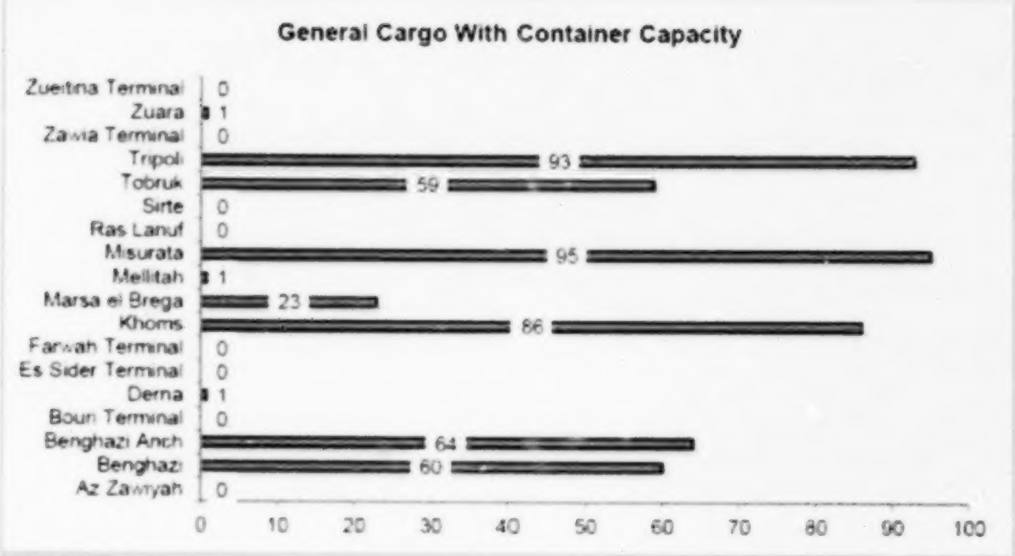

Crude Oil Tanker

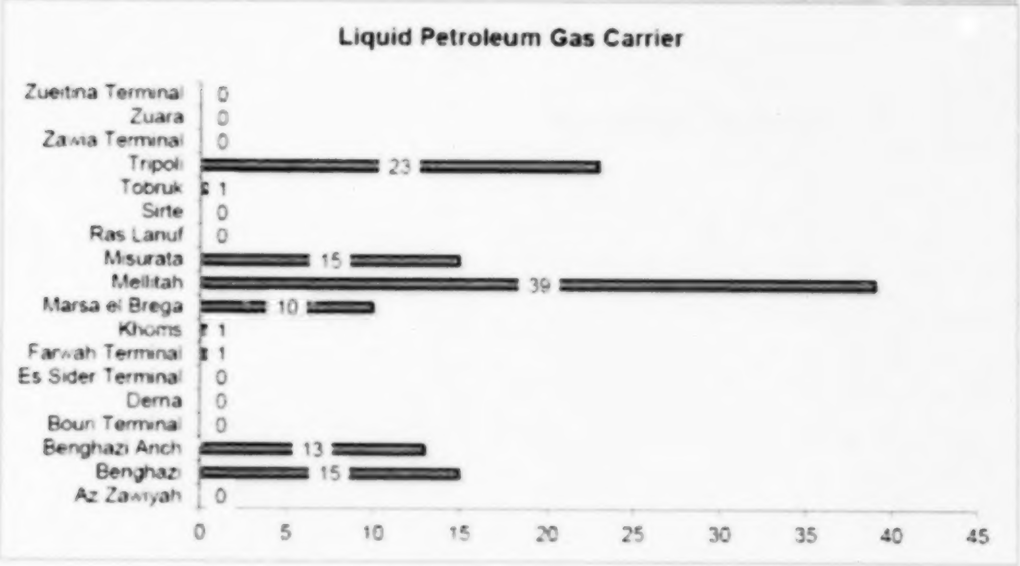

Floating Production Tanker

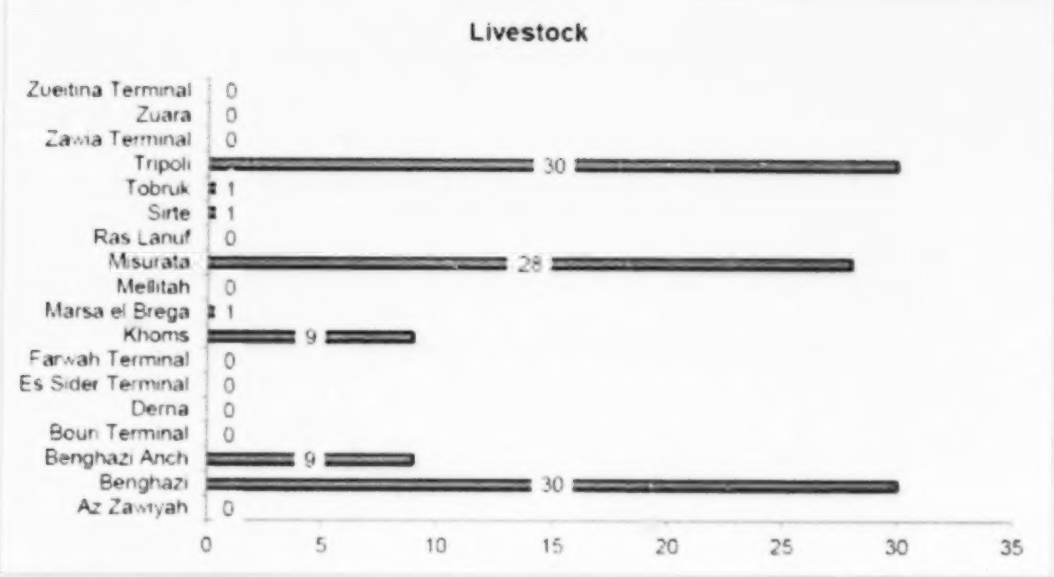

Fully Cellular Containership

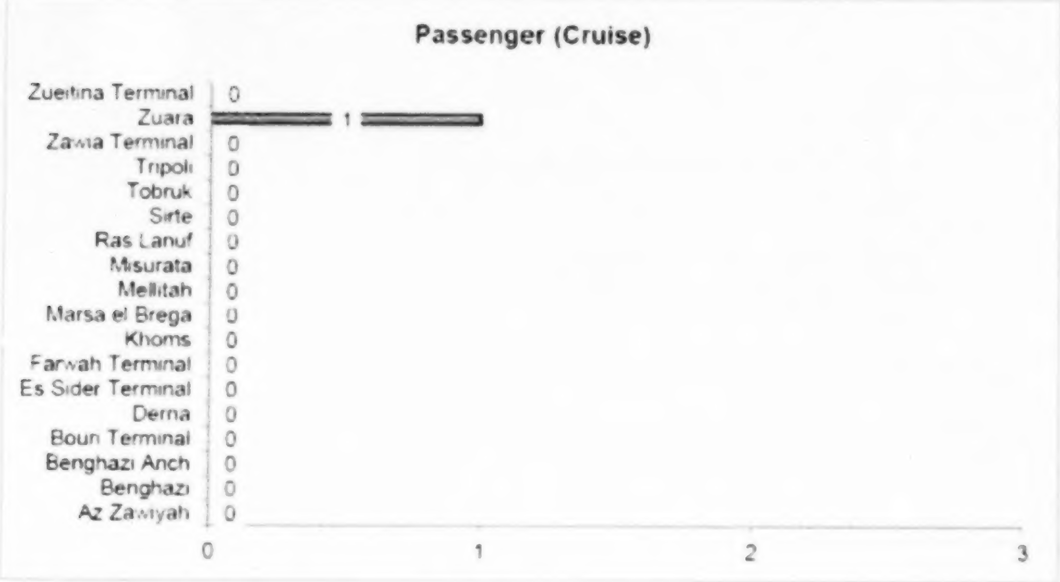

Fully Cellular Refrigerated
Zueitina Terminal 0
Zuara 0
Zawia Terminal 0
Tripoli 0
Tobruk 0
Sirte 0
Ras Lanuf 0
Misurata 0
Mellitah 0
Marsa el Brega 0
Khoms 1
Farwah Terminal 0
Es Sider Terminal 0
Derna 0
Bouri Terminal 0
Benghazi Anch 0
Benghazi 0
Az Zawiyah 0
0
1
2

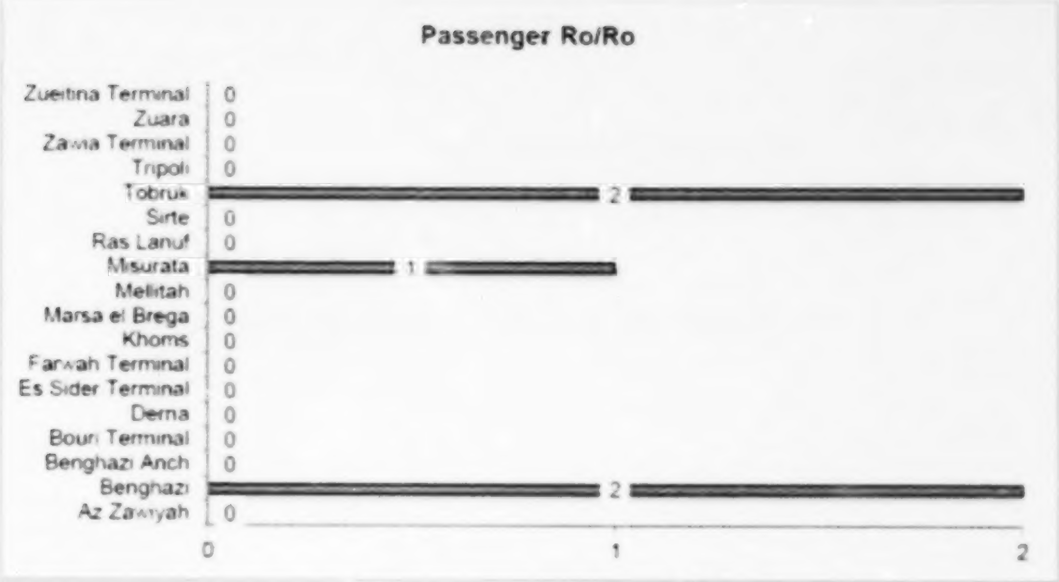

General Cargo
Zueitina Terminal 0
Zuara 5
Zawia Terminal 0
Tripoli 47
Tobruk 38
Sirte 0
Ras Lanuf 0
Misurata 39
Mellitah 7
Marsa el Brega 4
Khoms 29
Farwah Terminal 1
Es Sider Terminal 0
Derna 2
Bouri Terminal 0
Benghazi Anch 32
Benghazi 27
Az Zawiyah 0
0
5
10
15
20
25
30
35
40
45
50

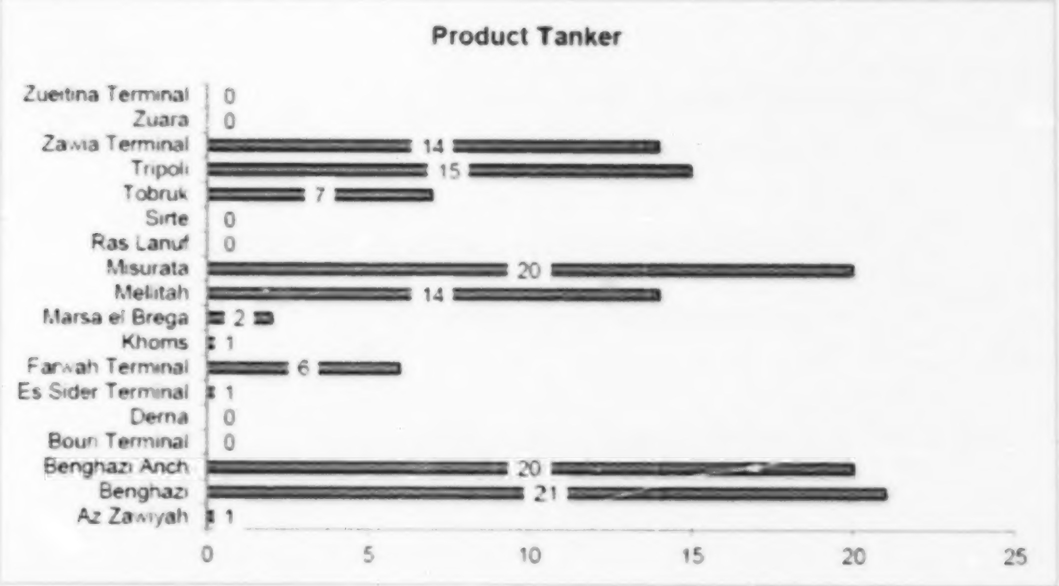

General Cargo With Container Capacity
Zueitina Terminal 0
Zuara 1
Zawia Terminal 0
Tripoli 93
Tobruk 59
Sirte 0
Ras Lanuf 0
Misurata 95
Mellitah 1
Marsa el Brega 23
Khoms 86
Farwah Terminal 0
Es Sider Terminal 0
Derna 1
Boun Terminal 0
Benghazi Anch 64
Benghazi 60
Az Zawiyah 0
0
10
20
30
40
50
60
70
80
90
100

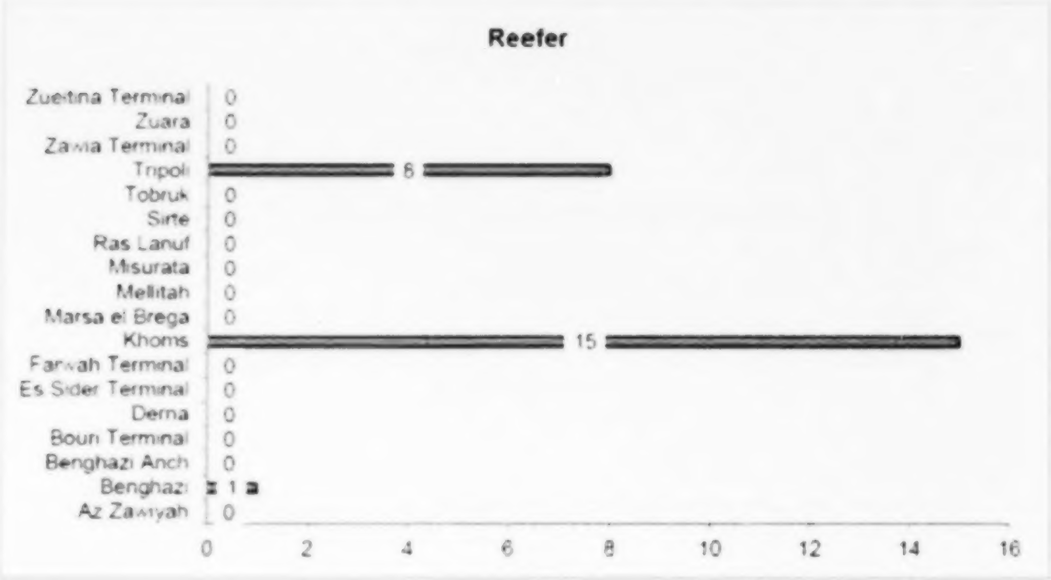

Liquid Petroleum Gas Carrier
Zueitina Terminal 0
Zuara 0
Zawia Terminal 0
Tripoli 23
Tobruk 1
Sirte 0
Ras Lanuf 0
Misurata 15
Mellitah 39
Marsa el Brega 10
Khoms 1
Farwah Terminal 1
Es Sider Terminal 0
Derna 0
Boun Terminal 0
Benghazi Anch 13
Benghazi 15
Az Zawiyah 0
0
5
10
15
20
25
30
35
40
45

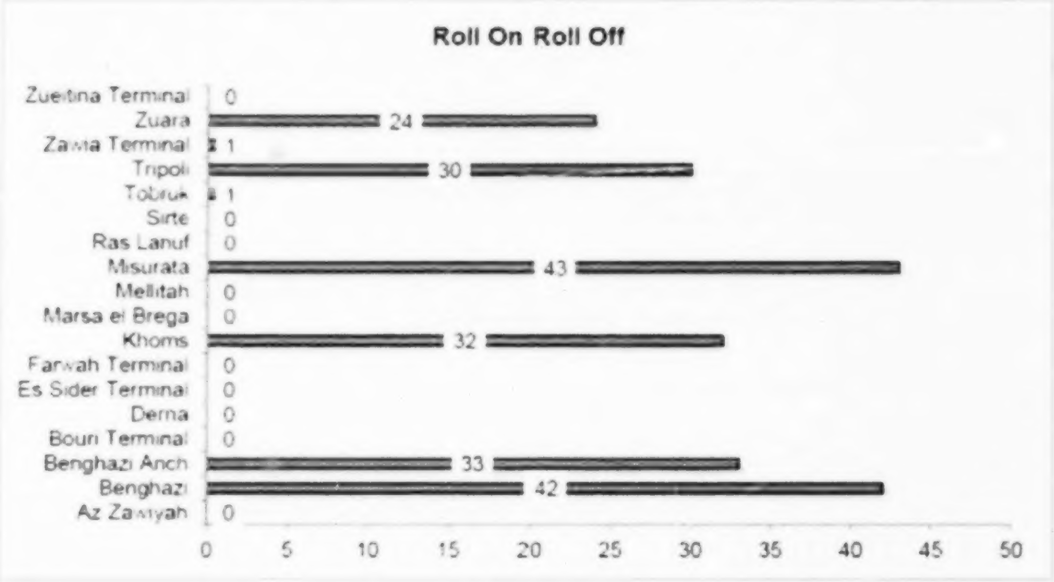

Livestock
Zueitina Terminal 0
Zuara 0
Zawia Terminal 0
Tripoli 30
Tobruk 1
Sirte 1
Ras Lanuf 0
Misurata 28
Mellitah 0
Marsa el Brega 1
Khoms 9
Farwah Terminal 0
Es Sider Terminal 0
Derna 0
Boun Terminal 0
Benghazi Anch 9
Benghazi 30
Az Zawiyah 0
0
5
10
15
20
25
30
35

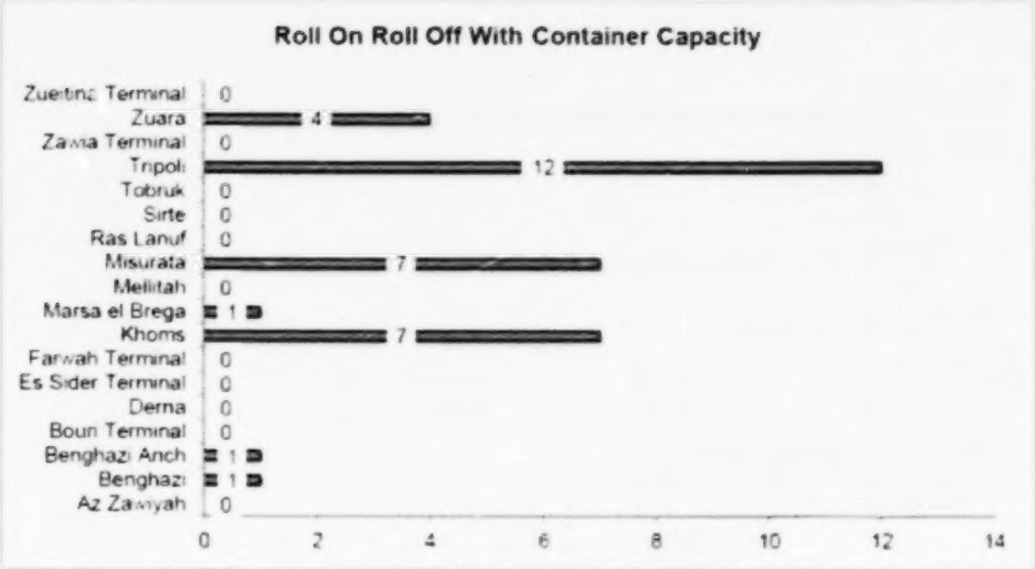

Passenger (Cruise)
Zueitina Terminal 0
Zuara 1
Zawia Terminal 0
Tripoli 0
Tobruk 0
Sirte 0
Ras Lanuf 0
Misurata 0
Mellitah 0
Marsa el Brega 0
Khoms 0
Farwah Terminal 0
Es Sider Terminal 0
Derna 0
Boun Terminal 0
Benghazi Anch 0
Benghazi 0
Az Zawiyah 0
0
1
2
3


Passenger Ro/Ro

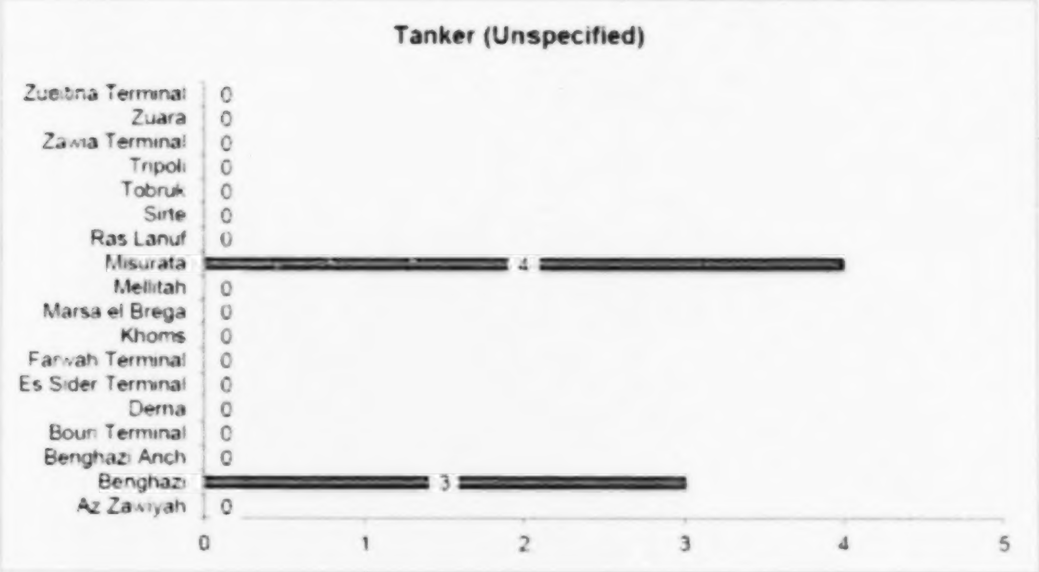

Product Tanker


Reefer

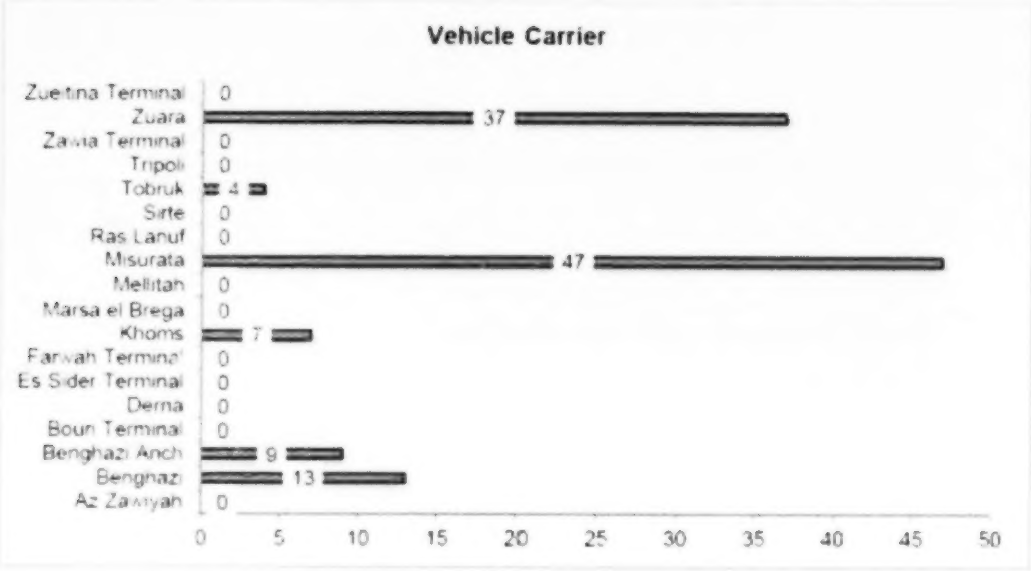

Roll On Roll Off



Roll On Roll Off With Container Capacity

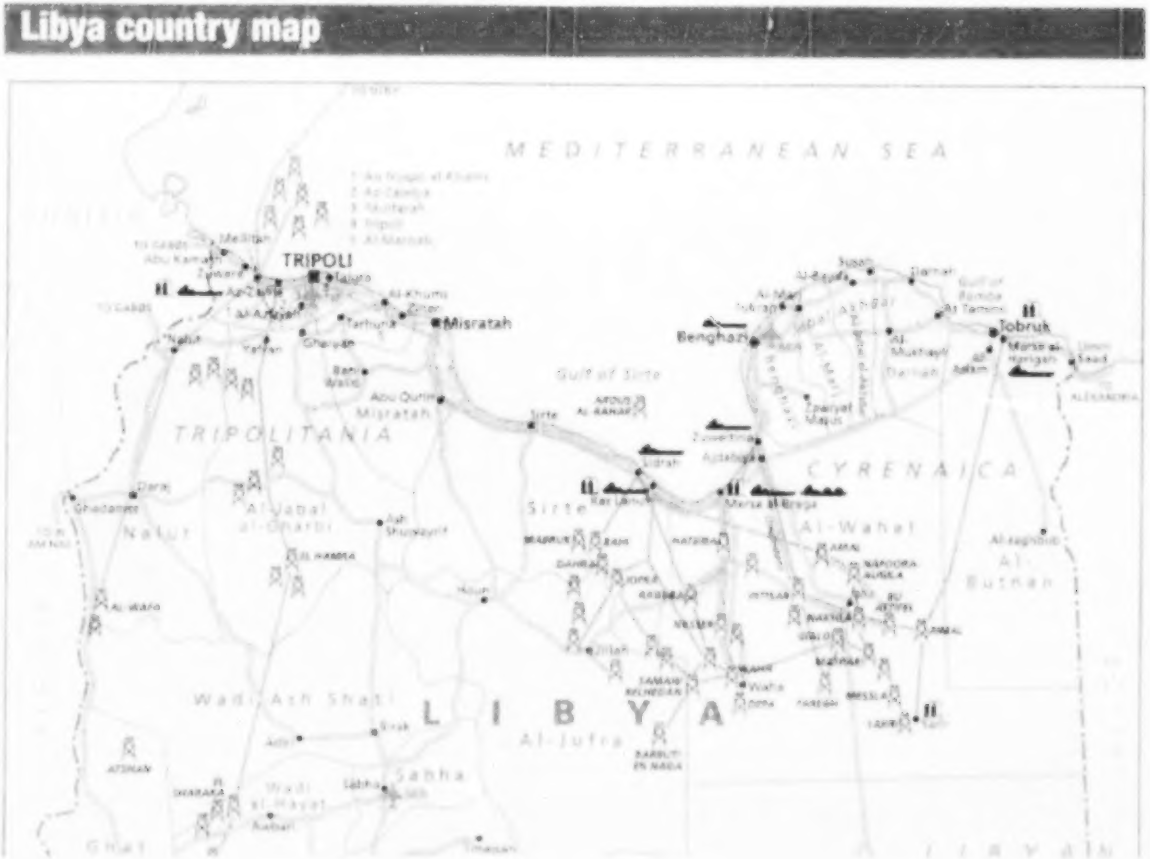


Tanker (Unspecified)


Vehicle Carrier
Zueitina Terminal 0
Zuara 37
Zawia Terminal 0
Tripoli 0
Tobruk 4
Sirte 0
Ras Lanuf 0
Misurata 47
Mellitah 0
Marsa el Brega 0
Khoms 7
Farwah Terminal 0
Es Sider Terminal 0
Derna 0
Bouri Terminal 0
Benghazi Anch 9
Benghazi 13
Az Zawiyah 0
0
5
10
15
20
25
30
35
40
45
50

Annex 38 Map of Libyan ports, terminals and oil fields

Map provided to the Panel by the NOC showing Libyan ports, terminals and oil fields (July 2014)


Libya country map
MEDITERRANEAN SEA
TRIPOLI
Misratah
Benghazi
Tobruk
Gulf of Sirte
Sirte
TRIPOLITANIA
CYRENAICA
L I B Y A
Al-Jufra
Al-Wahat
Al-Butnan
Al-Jabal al-Gharbi
Nalut
Wadi Ash Shati
Wadi al Hayat
Sabha
Ghat
Misratah
Ghadames
Daraj
Nalut
Yafran
Gharyan
Tarhuna
Zlitan
Al-Khums
Bani Walid
Abu Qurayn
Hun
Ash Shuwayrif
Brak
Adiri
Awbari
Marsa al Brega
Ras Lanuf
Sidrah
Zuwaytina
Ajdabiya
Zawiyat Masus
Al Marj
Tukrah
Al-Bayda
Susah
Darnah
Gulf of Bomba
At Tamimi
Al Mukhayli
Al Adam
Marsa al Harigah
Umm Saad
Al-Jaghbub
Jalu
Wahah
Jikharrah
Jaghbub
Jabal Akhdar
Al Marj
TO GABES
Mellitah
Abu Kammash
Zuwara
Az-Zawiya
Al Ajaylat
Tajura
Ghadames
AL-WAFA
ATSHAN
SHARARA
EL HAMRA
AROUS AL-BAHAR
MABRUK
BAHI
DAHRA
JOFRA
RAGUBA
HATEIBA
AMAL
NAFOORA AUGILA
BU ATTIFEL
NASSER
NAKHLA
GIALO
SARIR
MESSLA
DEFA
TAREEM
SAMAH
BELHEDAN
ZELTEN
SARIR
BARBUTI EN NAGA
ALEXANDRIA
LIBYAN